

111th Congress }
2d Session }

JOINT COMMITTEE PRINT

{ S. Prt.
111-60 }

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2008

VOLUME II

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
US SENATE

AND THE

COMMITTEE ON FOREIGN AFFAIRS
US HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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



DECEMBER 2010

Printed for the use of the Committees on Foreign Relations of the U.S.
Senate and Foreign Affairs of the U.S. House of Representatives respec-
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U.S. GOVERNMENT PRINTING OFFICE

62-931 PDF

WASHINGTON : 2010

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LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, February 25, 2009.

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

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, I am transmitting to you the *Country Reports on Human Rights Practices for 2008*, prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

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

Sincerely,

KAREN STEWART,
*Acting Assistant Secretary, Bureau of Democracy, Human Rights,
and Labor.*

Enclosure.

PREFACE

Human progress depends on the human spirit. This inescapable truth has never been more apparent than it is today, when the challenges of a new century require us to summon the full range of human talents to move our nation and our world forward.

Guaranteeing the right of every man, woman, and child to participate fully in society and live up to his or her God-given potential is an ideal that has animated our nation since its founding. It is enshrined in the United Nations Universal Declaration of Human Rights, and was reflected in President Obama's Inaugural Address, when he reminded us that every generation must carry forward the belief that "all are equal, all are free, and all deserve a chance to pursue their full measure of happiness."

Our foreign policy must also advance these timeless values, which empower people to speak, think, worship, and assemble freely, to lead their work and family lives with dignity, and to know that their dreams of a brighter future are within reach.

The promotion of human rights is an essential piece of our foreign policy. Not only will we seek to live up to our ideals on American soil, we will pursue greater respect for human rights as we engage other nations and people around the world. Some of our work will be conducted in government meetings and official dialogues, which is important to advancing this cause. But we will not rely on a single approach to overcome tyranny and subjugation that weaken the human spirit, limit human possibility, and undermine human progress.

We will make this a global effort that reaches beyond government alone. We will work together with nongovernmental organizations, businesses, religious leaders, schools and universities, and individual citizens—all of whom play a vital role in creating a world where human rights are accepted, respected, and protected.

Our commitment to human rights is driven by faith in our moral values, and also by the knowledge that we enhance our own security, prosperity, and progress when people in other lands emerge from shadows and shackles to gain the opportunities and rights we enjoy and treasure.

In that spirit, I hereby transmit the Department of State's Country Reports on Human Rights Practices for 2008 to the United States Congress.

HILLARY RODHAM CLINTON,
Secretary of State.

OVERVIEW AND ACKNOWLEDGMENTS

WHY THE REPORTS ARE PREPARED

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

In the early 1970s the United States formalized its responsibility to speak out on behalf of international human rights standards. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994 the Congress created a position of Senior Advisor for Women’s Rights. Legislation also requires that U.S. foreign and trade policy take into account countries’ human rights and worker rights performance and that country reports be submitted to the Congress on an annual basis.

HOW THE REPORTS ARE PREPARED

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

Our overseas U.S. missions, which prepared the initial drafts of the reports, gathered information throughout the year from a variety of sources across the political spectrum. These sources included

government officials, jurists, the armed forces, journalists, human rights monitors, academics, and labor activists. This information gathering can be hazardous, and U.S. Foreign Service personnel regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuse, monitor elections, and come to the aid of individuals at risk, such as political dissidents and human rights defenders whose rights are threatened by their governments.

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

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

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

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

Within the Bureau of Democracy, Human Rights and Labor, the editorial staff of the Country Reports Team consists of: Editor in Chief Stephen Eisenbraun; Office Directors: Bruce Connuck, Kay Mayfield, and Michael Orona; Senior Editors: Jonathan Bemis, Douglas B. Dearborn, Daniel Dolan, Jerome L. Hoganson, Patricia Meeks Schnell, Julie Turner, and Rachel Waldstein; Editors: Naim Ahmed, Sabrina Bahir, Joseph S. Barghout, Katherine Berglund,

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INTRODUCTION

The year just ended was characterized by three trends: a growing worldwide demand for greater personal and political freedom, governmental efforts to push back on those freedoms, and further confirmation that human rights flourish best in participatory democracies with vibrant civil societies.

These congressionally mandated reports describe the performance in 2008 of governments across the globe in putting into practice their international commitments on human rights. We hope that they will help focus attention on human rights abuses and bring action to end them. At the same time, we hope that the hard-won advances for human freedom chronicled in the reports will hearten those still pressing for their rights, often against daunting odds.

These reports will inform U.S. Government policymaking and serve as a reference for other governments, intergovernmental institutions, and nongovernmental organizations (NGOs), human rights defenders, and journalists. United States foreign policy revolves not only around effective defense, but also robust diplomacy and vigorous support for political and economic development. A vigorous human rights policy reaffirms American values and advances our national interests. As President Obama stated in his inaugural address: “America is a friend of each nation and every man, woman, and child who seeks a future of peace and dignity . . .”, but to “those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history, but that we will extend a hand if you are willing to unclench your fist.”

Since the days of our own nation’s founding, we have endeavored to correct injustices and fully promote respect for fundamental freedoms for all of our citizens. These efforts have been spurred and sustained by an accountable, democratic system of government, the rule of law, a vibrant free media, and, most important of all, the civic activism of our citizenry.

As we publish these reports, the Department of State remains mindful of both domestic and international scrutiny of the United States’ record. As President Obama recently made clear, “we reject as false the choice between our safety and our ideals.” We do not consider views about our performance voiced by others in the international community—whether by other governments or nongovernmental actors—to be interference in our internal affairs, nor should other governments regard expressions about their performance as such. We and all other sovereign nations have international obligations to respect the universal human rights and freedoms of our

citizens, and it is the responsibility of others to speak out when they believe those obligations are not being fulfilled.

The U.S. Government will continue to hear and reply forthrightly to concerns about our own practices. We will continue to submit reports to international bodies in accordance with our obligations under various human rights treaties to which we are a party. United States laws, policies, and practices have evolved considerably in recent years, and will continue to do so. For example, on January 22, 2009, President Obama signed three executive orders to close the detention facilities at Guantanamo and review U.S. Government policies on detention and interrogation.

We drew the information contained in these reports from governments and multilateral institutions, from national and international nongovernmental groups, and from academics, jurists, religious groups, and the media. The reports have gone through a lengthy process of fact checking to ensure high standards of accuracy and objectivity. Each country report speaks for itself. However, some broad, cross-cutting observations can be drawn.

One: In 2008, pushback against demands for greater personal and political freedom continued in many countries across the globe. A disturbing number of countries imposed burdensome, restrictive, or repressive laws and regulations against NGOs and the media, including the Internet. Many courageous human rights defenders who peacefully pressed for their own rights and those of their fellow countrymen and women were harassed, threatened, arrested and imprisoned, killed, or were subjected to violent extrajudicial means of reprisal.

Two: Human rights abuses remain a symptom of deeper dysfunctions within political systems. The most serious human rights abuses tended to occur in countries where unaccountable rulers wielded unchecked power or there was government failure or collapse, often exacerbated or caused by internal or external conflict.

Three: Healthy political systems are far more likely to respect human rights. Countries in which human rights were most protected and respected were characterized by the following electoral, institutional, and societal elements:

Free and fair electoral processes that include not only a clean casting and honest counting of ballots on election day, but also a run-up to the voting that allows for real competition and full respect for the freedoms of expression, peaceful assembly, and association; Representative, accountable, transparent, democratic institutions of government, including independent judiciaries, under the rule of law to ensure that leaders who win elections democratically also govern democratically, and are responsive to the will and needs of the people; and Vibrant civil societies, including independent NGOs and free media.

To be sure, even in countries where these elements were present human rights abuses at times occurred. Democratic elections can be marred with irregularities. There can be abuses of power and miscarriages of justice. States having weak institutions of democratic government and struggling economies can fall far short of meeting the needs and expectations of their people for a better life. Corruption can undermine public trust. Long-marginalized seg-

ments of populations in some countries have yet to enjoy full participation in the life of their nations. Insecurity due to internal and/or cross-border conflict can hinder respect for and retard progress in human rights. But when these electoral, institutional and societal elements obtain, the prospects are far greater for problems to be addressed, correctives to be applied and improvements to be made.

Taken together, these three trends confirm the continuing need for vigorous United States diplomacy to act and speak out against human rights abuses, at the same time that our country carefully reviews its own performance. These trends further confirm the need to combine diplomacy with creative strategies that can help to develop healthy political systems and support civil society.

Below, readers will find overviews highlighting key trends in each geographic region. Each of the regional overviews is followed by thumbnail sketches of selected countries (ordered alphabetically) that were chosen for notable developments--positive, negative, or mixed--chronicled during calendar year 2008. For more comprehensive, detailed information, we refer you to the individual country reports themselves.

REGIONAL OVERVIEWS

AFRICA

Several African countries served as stabilizing forces on the continent and as powerful examples of the peace and stability that come with respect for the rule of law. Nevertheless, during the year, human rights and democratic development in the region continued to face severe challenges, especially in a number of countries plagued by conflict and others in which a culture of rule of law was fledgling or did not exist.

In many countries, civilians continued to suffer from abuses at the hands of government security forces acting with impunity. In several countries, the systematic use of torture by security forces on detainees and prisoners remained a severe problem, and conditions in detention centers and prisons often were squalid and life threatening. Many detainees suffered lengthy pretrial detentions, waiting months or years before going before a judge.

For those countries embroiled in conflicts, ending violence remained central to improving human rights conditions. Warring parties failed to implement political agreements designed to bring peace and stability. Violent conflict continued or erupted anew in the Democratic Republic of Congo, Somalia, and Sudan, resulting in mass killings, rape, and displacements of civilians. The Sudanese Government continued to collaborate with janjaweed militias to bomb and destroy villages, killing or displacing hundreds of thousands more innocent civilians.

Authoritarian rule continued to characterize many African countries, for example: in Zimbabwe, the Mugabe regime unleashed a campaign of terror that resulted in the killing, disappearance, and torture of hundreds of opposition party members and supporters following the March 29 elections that were not free and fair. Government repression, restrictions, and mismanagement caused the

displacement of tens of thousands, increased food insecurity, and created a cholera epidemic, which killed 1,500 people by year's end. Previously postponed presidential elections were further delayed in Cote d'Ivoire. A coup ousted a democratically elected government in Mauritania. Following the death of Lansana Conte, Guinea's long-time president, a military junta seized power in a coup and suspended the constitution.

There were, however, some bright spots during the year. Angola held its first elections since 1992 and there were peaceful, orderly, and democratic elections in Ghana and Zambia. Due process and respect for the rule of law prevailed in Nigeria as opposition candidates from the 2007 presidential election respected the Nigerian Supreme Court's ruling upholding President Umaru Musa Yar'Adua's election. The United Nations International Criminal Tribunal for Rwanda sentenced a former Rwandan army colonel to life in prison for organizing the militants responsible for the killing of 800,000 Tutsis and moderate Hutus during the 1994 Rwandan genocide.

Selected Country Developments

The human rights situation in the Democratic Republic of the Congo (DRC) deteriorated further during the year, severely undermining the country's progress since national elections in 2006. Despite the signing of the Goma peace accords in January and the presence of UN peacekeepers, fighting continued in North and South Kivu throughout the year. Security forces and all armed groups continued to act with impunity, committing frequent serious abuses including arbitrary killings, disappearances, arbitrary arrest and detention, torture, rape, looting, and the use of children as combatants. The conflict continued to fuel the worst humanitarian crisis in Africa, resulting in as many as 45,000 Congolese deaths each month, a total of more than one million internally displaced persons, and dozens of attacks on humanitarian workers by armed groups. Pervasive sexual violence continued, including more than 2,200 registered cases of rape in June in North Kivu alone. Throughout the country, security forces harassed, beat, intimidated, and arrested local human rights advocates and journalists, resulting in a marked deterioration in press freedom.

Eritrea's poor human rights record worsened and the Government continued to commit serious abuses including unlawful killings by security forces with impunity. The ruling People's Front for Democracy and Justice (PFDJ) is the only legal political party and no national elections have been held since Eritrea gained independence in 1993. The constitution, ratified in 1997, has never been implemented. The independent press remained banned, and most independent journalists were in detention or had fled the country. Government roundups of young people for national service intensified in 2008. Credible reports indicate that national service evaders were tortured while in detention, and security forces shot individuals trying to cross the border into Ethiopia. Religious freedom, already severely restricted, declined further. At year's end over 3,200 Christians from unregistered groups were detained in prison, as were more than 35 leaders and pastors of Pentecostal churches, some of whom had been detained for more than three

years without charge or due process. At least three religious prisoners died in captivity during the year, from torture and lack of medical treatment.

The violence following Kenya's December 2007 local, parliamentary, and presidential elections ended in February when an international mediation process produced an agreement to form a coalition government under which President Mwai Kibaki retained his office, and opposition candidate Raila Odinga was appointed to a newly-created prime ministerial position. The political settlement established a reform framework to investigate and address the underlying causes of the violence, which killed approximately 1,500 persons and displaced more than 500,000. Progress on reform was slow and efforts to address the economic and social aftermath of the violence were incomplete. Separately, the deployment of security forces to Mount Elgon to quell an abusive militia resulted in human rights abuses by security forces.

Mauritania's human rights record deteriorated, with an abridgement of citizens' rights to change their government, arbitrary arrests, and the political detentions of the president and prime minister following an August 6 coup. The president was released from detention in December; however, the military junta, known as the High State Council (HSC), remained in power with General Mohamed Aziz as head of state at the end of the year. Members of the international community, including the African Union, strongly condemned the coup. Prior to the August 6 coup, the then-democratically elected government supported nationwide sensitization on a new antislavery law and increased public discussion on formerly taboo issues, such as ethnic divisions and social injustices. That government also supported national reconciliation efforts regarding the country's 1989–1991 expulsion of Afro-Mauritanians through the launch of a repatriation program in coordination with UN High Commissioner for Refugees (UNHCR).

In Nigeria, the courts continued to adjudicate the results of the seriously flawed 2007 presidential, gubernatorial, and legislative elections. On December 12, the Supreme Court rejected the appeals of two major opposition presidential candidates, upholding the election of President Yar'Adua. The two opposition leaders respected the court's ruling. Election tribunals nullified nine senatorial elections and 11 gubernatorial elections during the year. Violence continued in the oil-producing Niger Delta region, where over 400 persons (Nigerian nationals and expatriates) were kidnapped in approximately 100 incidents during the year. In November, ethno-religious violence erupted in Jos, resulting in the deaths of several hundred persons and the displacement of tens of thousands. Corruption continued to plague the resource-rich country and the Economic and Financial Crimes Commission's anticorruption efforts declined, with little progress on prosecutions of federal, state, and local officials accused of corruption.

In Somalia, fighting among the Transitional Federal Government (TFG)/Ethiopian National Defense Forces and their militias, the Council of Islamic Courts militias, antigovernment and extremist groups, terrorist organizations, and clan militias resulted in widespread human rights abuses, including the killing of more than 1,000 civilians, the displacement of hundreds of thousands of peo-

ple, kidnappings and disappearances, and attacks on journalists, aid workers, civil society leaders, and human rights activists. The political process to establish peace and stability in the country continued as the TFG and the Alliance for the Re-liberation of Somalia reached the Djibouti Agreement on June 9 and began to implement its terms; however, implementation was slow and marred by political infighting.

In Sudan, conflict in Darfur entered its fifth year and civilians continued to suffer from the effects of genocide. UN data from 2008 indicated that, since it began, the protracted conflict has left more than 2.7 million people internally displaced and another 250,000 across the border in Chad, where they sought refuge. Government, government-aligned militias, and intertribal attacks killed civilians. Government forces bombed villages, killed internally displaced persons, and collaborated with militias to raze villages. The Government systematically impeded and obstructed humanitarian efforts, and rebels and bandits killed humanitarian workers. Unidentified assailants killed several joint AU-UN peacekeeping mission troops, and government forces attacked a peacekeeping convoy. On May 10, the Justice and Equality Movement, a Darfur rebel group, attacked Omdurman, near Khartoum. The Government committed wide scale politically- and ethnically-motivated detentions and disappearances in Omdurman and Khartoum following the attack. The Government severely restricted freedom of the press, including through direct and daily censorship. Since 2005, when the Comprehensive Peace Agreement (CPA) between the North and the South was signed, approximately 2.1 million displaced persons and refugees have returned to the South. However, tensions over the implementation of the CPA persisted, and fighting between northern and southern forces destroyed much of Abyei town, killing civilians and displacing more than 50,000 people.

Zimbabwe's illegitimate government engaged in the systematic abuse of human rights, which increased dramatically during the year, in conjunction with an escalating humanitarian crisis caused by repression, corruption, and destructive economic and food policies, which the Mugabe regime persisted in applying despite their disastrous humanitarian consequences. Civil society and humanitarian organizations were targeted by government and militant groups for their efforts to protect citizens' rights and provide life-saving humanitarian assistance. A nearly three-month ban on the activities of NGOs exacerbated the humanitarian crisis as well as food insecurity and poverty. After the ban was lifted, the Mugabe regime continued to impede humanitarian access. Millions of Zimbabweans were food insecure at year's end.

The regime's manipulation of the political process, including the presidential elections, through intimidation, violence, corruption and vote fraud negated the right of citizens to change their government. Security forces and ruling party supporters killed, abducted, and tortured members of the opposition, student leaders, civil society activists and ordinary Zimbabweans with impunity. The opposition Movement for Democratic Change (MDC) factions gained a parliamentary majority in the March 29 election, but the results of the presidential race were not released until May 2, calling into question the credibility and independence of the Zimbabwe Elec-

toral Commission. government-sponsored violence in the period leading up to the June 27 run-off left more than 190 dead, thousands injured, and tens of thousands displaced. The Electoral Commission declared Mugabe the winner of the run-off election after MDC candidate Morgan Tsvangirai—who had scored a strong plurality in the first round—withdrew because of the Mugabe regime’s violence directed at the MDC and its supporters and out of recognition that a free and fair election was not possible. Negotiations mandated by the Southern African Development Community (SADC) led to a September 15 power-sharing agreement; however, due to government intransigence, the provisions of the deal had not been implemented by year’s end and the country remained in crisis.

EAST ASIA AND THE PACIFIC

During the year there were both advances and setbacks in human rights in the vast East Asia and the Pacific region, particularly in the areas of accountability for past abuses, freedom of speech and the press, democratic development, and trafficking in persons.

Countries in the region continued to come to terms with past abuses. The Bilateral Commission of Truth and Friendship, created to examine the atrocities committed by both Indonesians and Timorese during the period surrounding Timor-Leste’s 1999 independence referendum, delivered its final report during the year. Indonesian President Yudhoyono acknowledged and accepted the report’s finding that assigned institutional responsibility to the Indonesian Armed Forces. In addition, in August the Extraordinary Chambers in the Courts of Cambodia refined its internal rules to prosecute more rapidly egregious crimes of the 1975–1979 Khmer Rouge regime. However, the trials had still not begun by year’s end.

Some countries increased repression in response to popular efforts to secure respect for human rights. Vietnam increased restrictions on freedom of speech and press, and in China the Government increased its severe cultural and religious repression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region and increased its detention and harassment of dissidents and petitioners.

Other unelected rulers attempted to cloak their illegitimacy with trappings of democracy and manipulated the law to their own ends. The Burmese regime pushed through a constitutional referendum characterized by widespread irregularities and intimidation in the immediate aftermath of the devastating Cyclone Nargis. While the constitution technically came into effect in May, by the constitution’s own terms, the regime will continue to “exercise state sovereignty” until multiparty elections are held in 2010. The constitution will ensure that the military will continue to exercise a dominant role in political life regardless of the outcome of any electoral process. At the end of the year, the regime imposed draconian sentences on more than 100 democracy activists who participated in the 2007 Saffron Revolution and individuals who engaged in the Cyclone relief effort. Many were moved to prisons in remote parts

of the country, isolating them from family. In Fiji, the Suva High Court ruled to validate the 2006 Fiji coup, despite simmering opposition to the interim government's refusal to hold elections in March 2009.

Trafficking in persons was another area where results were mixed during the year. Several countries enacted new antitrafficking legislation--such as Thailand and Cambodia--and began to investigate and prosecute a broader range of trafficking offenses, such as the trafficking of men for labor exploitation. However, in Malaysia, widespread NGO and media reports alleged that Malaysian immigration officials were involved in the trafficking of Burmese refugees along the Malaysia-Thai border.

Selected Country Developments

The military regime in Burma continued its oppressive methods, denying citizens the right to change their government and committing other severe human rights abuses. The regime brutally suppressed dissent through extrajudicial killings, disappearances, and torture. Human rights and prodemocracy activists were harassed, arbitrarily detained in large numbers, and sentenced up to 65 years of imprisonment. The regime held detainees and prisoners in life-threatening conditions. The army continued its attacks on ethnic minority areas. The regime routinely infringed on citizens' privacy and restricted freedom of speech, the press, assembly, association, religion, and movement. Violence and discrimination against women and ethnic minorities continued, as did trafficking in persons. Workers' rights were restricted and forced labor persisted. The Government took no significant actions to prosecute or punish those responsible for such abuses. The regime showed contempt for the welfare of its own citizens when it persisted in conducting a fraudulent referendum in the immediate aftermath of a cyclone that killed tens of thousands and blocked and delayed international assistance that could have saved many lives.

The Government of China's human rights record remained poor and worsened in some areas. The Government continued to limit citizens' privacy rights and tightly controlled freedom of speech, the press (including the Internet), assembly, movement, and association. Authorities committed extrajudicial killings and torture, coerced confessions of prisoners, and used forced labor. In addition, the Chinese Government increased detention and harassment of dissidents, petitioners, human rights defenders, and defense lawyers. Local and international NGOs continued to face intense scrutiny and restrictions. China's human rights record worsened in some areas, including severe cultural and religious repression of ethnic minorities in the Xinjiang Uighur Autonomous Region and Tibet. Abuses peaked around high-profile events, such as the Olympic Games and the unrest in Tibet. At the end of the year, the Government harassed signatories of Charter '08 who called for respect for universal human rights and reform and arrested writer Liu Xiaobo for his participation in the drafting of the Charter. In October, the Government made permanent temporary Olympic Games-related regulations granting foreign journalists greater freedoms.

The Government of Malaysia generally respected the human rights of its citizens; however, there were problems in some areas,

including the abridgment of its citizens' right to change their government. Despite their complaint that the ruling party exploited the powers of incumbency, opposition parties made significant gains by capturing 82 of 222 parliamentary seats in March 8 elections, effectively denying the ruling coalition the two-thirds supermajority needed to amend the constitution at will. The Government continued to restrict freedoms of press, association, assembly, speech, and religion. The Government arrested opposition leaders and journalists. Internet bloggers were arrested for apparently political reasons. Deaths in police custody remained a problem, as did police abuse of detainees, overcrowded immigration detention centers, and persistent questions about the impartiality and independence of the judiciary. Some employers exploited migrant workers and ethnic Indian-Malaysians with forced labor, and some child labor occurred in plantations.

North Korea's human rights record remained abysmal. While the regime continued to control almost all aspects of citizens' lives, denying freedom of speech, press, assembly, and association, and restricting freedom of movement and workers' rights, reports of abuse emerged from the country with increased frequency. However, these reports continued to be difficult to confirm. Reports of extrajudicial killings, disappearances, and arbitrary detention, including of political prisoners, continued to paint a grim picture of life inside the reclusive country. Some forcibly repatriated refugees were said to have undergone severe punishment and possibly torture. Reports of public executions also continued to emerge.

Despite a tumultuous political atmosphere, Thailand avoided unconstitutional disruptions in governance. Nevertheless, there continued to be reports that police were linked to extrajudicial killings and disappearances. Police abuse of detainees and prisoners persisted as well, as did corruption within the police force. The separatist insurgency in the south resulted in numerous human rights abuses, including killings, committed by ethnic Malay Muslim insurgents, Buddhist defense volunteers, and government security forces. The Government maintained some limits on freedom of speech and of the press, particularly through the use of lese majeste provisions. Members of hill tribes without proper documentation continued to face restrictions on their movement; however, the 2008 Nationality Act, which took effect on February 28, increased the possibility of citizenship for hill tribe members.

The Government of Vietnam continued to restrict citizens' rights in significant ways. Citizens could not change their government, political opposition movements were prohibited, and the Government continued to suppress dissent. Individuals were arbitrarily detained for political activities and denied the right to fair and expeditious trials. Suspects were abused during arrest, detention, and interrogation. Corruption was a significant problem among the police force, as was impunity. The Government continued to limit citizens' privacy rights and freedom of expression. There was a general crackdown on press freedom throughout the year, resulting in the firings of several senior media editors and the arrest of two reporters. These actions dampened what had previously been a trend toward more aggressive investigative reporting. Restrictions on assembly, movement, and association continued. Independent human

rights organizations were prohibited. Violence and discrimination against women remained a problem, as did trafficking in persons. The Government limited workers' rights and arrested or harassed several labor activists.

EUROPE AND EURASIA

The key challenges in the region remained: strengthening new democracies, stemming government restrictions on and repression of human rights NGOs, and addressing hate crimes and hate speech while protecting fundamental freedoms against a backdrop of migration, rising nationalism, and economic recession.

In several post-Soviet countries, previous gains for human rights and democracy were reversed or the slide towards authoritarianism continued. A number of elections failed to meet democratic standards set by the Organization for Security and Cooperation in Europe, and media freedom remained under attack. Journalists were killed or harassed, and laws often restricted rather than protected freedom of expression.

During the August conflict that began in the Georgian separatist enclave of South Ossetia, military operations by Georgian and Russian forces reportedly involved the use of indiscriminate force and resulted in civilian casualties, including a number of journalists. After the Russians entered South Ossetia, there were allegations that South Ossetian irregulars engaged in executions, torture, ethnic attacks, and random burning of homes, and at least 150,000 Georgian citizens were displaced by the fighting. Russian and South Ossetian forces occupied villages outside of the administrative borders of South Ossetia and Abkhazia, the other separatist region in Georgia. Although Russian forces mostly withdrew by October 10 from the regions outside of Abkhazia and South Ossetia, they blocked access to both regions for Georgians and international organizations, making it dangerous for residents and difficult to monitor conditions in the region with respect to human rights and compliance with humanitarian law.

In many countries, governments impeded the freedom of the press. In Azerbaijan, increasing numbers of attacks on journalists went unpunished, while journalists themselves remained in prison on purported criminal charges. Russia remained a dangerous place for journalists, a number of whom were killed or brutally attacked during the year. In Belarus, President Lukashenko signed a new media law that could further restrict press freedoms, including Internet publications. Developments in Georgia, including the opposition's loss of control of Imedi Television, which had been the sole remaining independent national television station, raised significant concerns about the state of media diversity.

NGOs and opposition parties were the targets of government oppression in several countries. The Government of Bosnia and Herzegovina forced the closure for several days of an international anticorruption NGO after a report accusing government officials of corruption. In Russia, authorities increasingly harassed many NGOs that focused on politically sensitive areas and during the year the Government amended the law on extremism, making it easier to bring charges against an organization. The previous

version of the law had already raised concerns about restriction of the freedom of association and legitimate criticism of the Government. In Belarus, while the release of nine political prisoners was welcome, concern remained about the Government's arbitrary constraints on freedom of assembly and association and its frequent harassment of independent activists. In Russia, police sometimes used violence to prevent groups from engaging in peaceful protests, particularly opposition protests.

There were both hopeful and troubling indicators for democratic governance in the region. On a positive note, Kosovo's democratically-elected government successfully declared its independence on February 17, and put in place a constitution and laws with model provisions for human rights. Unfortunately, other nations did not have such encouraging results. The February presidential elections in Armenia were significantly flawed and followed by days of peaceful protests that the Government ultimately put down violently. In Russia, the March presidential election was marked by problems both during the campaign period and on Election Day, including bias by government-controlled or -influenced media in favor of the ruling party and its candidates, authorities' refusal to register opposition party candidates, lack of equal opportunity for conducting campaigns, and ballot fraud. Parliamentary elections in Belarus fell significantly short of OSCE commitments for democratic elections, and all of the 110 declared winners were government supporters. Elections in Azerbaijan failed to meet key OSCE commitments.

Human rights concerns were not limited to the eastern portion of the continent. A number of the well-established democracies of western and central Europe wrestled with continuing challenges resulting from the large influx of new migrants from the Middle East, Africa, and elsewhere that strained economic and social resources and led to restrictive practices toward immigrants and many charges of mistreatment. In many countries, detention facilities for undocumented migrants suffered from poor conditions and were inferior to those for other detained individuals. The majority of hate crimes in Ukraine during the year involved people of African, Middle Eastern, and Asian origin. In Russia the disturbing and steady rise in xenophobic, racial, and ethnic attacks continued. There were manifestations of anti-Semitism in many countries in the region and incidents of violent anti-Semitic attacks remained a concern. In a number of countries, including Italy and Hungary, members of the Roma community were targets of societal violence, which in some cases was more frequent and lethal than in previous years.

France, Germany, the Netherlands, Switzerland, and the United Kingdom sought to outlaw hate speech in order to protect minorities from discrimination and violence. However, some human rights observers worried that this impinged on free speech.

Selected Country Developments

There were significant setbacks for democracy in Armenia, including the worst post-election violence seen in the Caucasus in recent years. After weeks of generally peaceful protests following a disputed February presidential election, the Government used force

to disperse protestors on March 1–2, which resulted in violent clashes and 10 deaths. The violence ushered in a 20-day state of emergency and a blackout of independent media during which the Government severely curtailed civil liberties. During the remainder of the year, there were significant restrictions on the right to assemble peacefully or express political opinions freely without risk of retaliation, and several opposition sympathizers were convicted and imprisoned with disproportionately harsh sentences for seemingly political reasons. Fifty-nine opposition sympathizers reportedly remained imprisoned on seemingly political grounds at year's end; no government officials were prosecuted for their alleged role in election-related crimes. Despite the mixed success of a politically-balanced fact-finding group established by the Government to investigate the March events, the climate for democracy was further chilled by harassment, intimidation, and intrusive tax inspections against independent media and civil society activists.

In Azerbaijan, Ilham Aliyev was re-elected president for a second term in October in a process that international observers assessed did not meet international standards for a democratic election, despite some government improvement in the administration of the election. Shortcomings included serious restrictions on political participation and media, pressure and restrictions on observers, and flawed vote counting and tabulation processes. During the year restrictions and pressure on the media worsened. A media-monitoring NGO reported that during the first half of the year there were 22 acts of verbal or physical assault on journalists, up from 11 in the same period of 2007, with no accountability. Several journalists remained imprisoned on charges that many criticized as politically motivated. On December 30, the Government announced that as of January 1, 2009, it would no longer permit Radio Free Europe/Radio Liberty, Voice of America, or BBC to continue to broadcast on national television and FM radio frequencies; without these international broadcasters, the public no longer had access to unbiased news on any widely accessible broadcast media.

In Belarus, the Government's human rights record remained very poor, and authorities continued to commit frequent serious abuses. Despite prior government assurances, parliamentary elections in September were neither free nor fair. Authorities failed to account for past politically motivated disappearances. Prison conditions remained extremely poor, and reports of abuse of prisoners and detainees continued. The judiciary lacked independence. The Government further restricted civil liberties, including freedoms of press, speech, assembly, association, and religion. State security services used unreasonable force to disperse peaceful protesters. Corruption remained a problem. NGOs and political parties were subjected to harassment, fines, prosecution, and closure. Religious leaders were fined or deported for performing services and some churches were closed.

In Georgia, President Mikheil Saakashvili was reelected in January in an election that international observers found consistent with most OSCE democratic election commitments. However, they also highlighted significant challenges, including widespread allegations of intimidation and pressure and flawed vote counting. Problems also were noted in parliamentary elections in May. There

were allegations of politically motivated detentions. Media diversity was reduced when opposition voices lost control over the one remaining independent national television station. During the August conflict, military operations by Georgian and Russian forces reportedly involved the use of indiscriminate force and resulted in civilian casualties, including of a number of journalists.

The Russian Federation continued a negative trajectory in its overall domestic human rights record with numerous reports of government and societal human right problems and abuses during the year. During the August conflict, military operations by Georgian and Russian forces reportedly involved the use of indiscriminate force and resulted in civilian casualties, including of a number of journalists. The Government's human rights record remained poor in the North Caucasus with security forces reportedly engaged in killings, torture, abuse, violence, and other brutal treatment, often with impunity. In Chechnya, Ingushetiya, and Dagestan, security forces allegedly were involved in unlawful killings and politically motivated abductions; for a second year, there was a significant increase in the number of killings, usually by unknown assailants, of both civilians and officials in Ingushetiya.

Civil liberties continued to be under siege, reflecting an erosion of the Government's accountability to its citizens. Government pressure weakened freedom of expression and media independence, and it remained a dangerous environment for media practitioners. Five journalists were killed during the year, in one case in Ingushetiya by police. Killings of journalists in past years remained unresolved. The Government limited freedom of assembly, and police sometimes used violence to prevent groups from engaging in peaceful protest. Authorities' hostility toward, and harassment of some NGOs, in particular those involved in human rights monitoring, as well as those receiving foreign funding, reflected an overall contraction of space for civil society. Given an increasingly centralized political system where power is concentrated in the presidency and the office of prime minister, the problems that occurred in the December 2007 Duma elections were repeated in the March presidential elections, which failed to meet many international standards.

NEAR EAST AND NORTH AFRICA

Continued serious challenges for the promotion of democracy and human rights characterized the Middle East region during the year, though there were some notable steps forward.

Several governments, including Egypt, Iran, Libya, and Syria, continued to imprison activists because of their beliefs. Ayman Nour, the runnerup in the 2005 Egyptian presidential election, remained in prison in Egypt throughout the reporting period (although he was released on February 18, 2009). Iran's government regularly detains and persecutes women's rights and student activists, labor unionists, and human rights defenders. Iranian authorities continued to crack down on civil society institutions, notably by closing the Center for the Defense of Human Rights on December 21 as it prepared to celebrate the 60th anniversary of the Universal Declaration of Human Rights. The Government of Libya announced

in March that it had released political activist Fathi El-Jahmi, but he remained in detention at the Tripoli Medical Center during the year and was granted only sporadic visits by his family. In Syria, the Government detained several high-profile members of the human rights community, particularly individuals affiliated with the national council of the Damascus Declaration for Democratic National Change, an umbrella organization of reformist opposition groups.

Along with greater access to information through the Internet and satellite television came greater restrictions on media, including Internet bloggers. In Egypt, police detained and allegedly tortured bloggers. Iran's best-known blogger, Hossein Derakhshan, was arrested late in the year. Tunisia regressed on media freedom, with authorities arresting or harassing bloggers. In Iraq, journalists continued to struggle for safety while reporting on politics, women's rights, and homosexuality. Although the number of killings of journalists in Iraq dropped last year, the death rate remained high.

Many countries in the region continued to restrict religious freedom and expression. Iran detained seven leaders of the Baha'i faith since May, and the Iranian president continued to denounce the existence of Israel. Saudi Arabia strictly prohibited public worship of faiths other than Sunni Islam, and religious minorities faced discrimination in access to education, employment, and representation in government. Members of religions that are not recognized by the Government experienced personal and collective hardship in Egypt. Other countries, such as Bahrain and Algeria, enacted discriminatory legislation or, like Jordan, continued to implement policies that favored the majority religions.

Legal and societal discrimination as well as violence against women continued throughout the region. Iranian women's rights activists were harassed, abused, arrested, and accused of "endangering national security" for participating in peaceful protests and demanding equal treatment under Iranian law through the One Million Signatures Campaign. However, other countries in the region witnessed incremental progress on women's rights and women actively sought leadership roles in local and national governments. In Kuwait, 27 women ran for office in May 2008 national elections, although none of the female candidates won. Also during the year, the UAE appointed its first female judge and two female ambassadors.

Some countries in the Near East have taken significant steps over the past several years to address worker abuse and to raise labor standards. Oman and Bahrain enacted comprehensive laws to combat human trafficking and Jordan extended labor law protections to expatriate household workers. Significant challenges remain, however, regarding protection for foreign workers and implementation of existing labor laws and regulations for all workers, especially for construction and household workers.

Selected Country Developments

In Egypt, there was a decline in the Government's respect for freedoms of speech, press, association, and religion during the year. In particular, detentions and arrests of Internet bloggers appeared

to be linked primarily to their efforts to organize demonstrations through their blogs and participation in street protests or other activism. The state of emergency, enacted in 1967, remained in place, and security forces used unwarranted lethal force and tortured and abused prisoners and detainees, in most cases with impunity.

The Government of Iran intensified its systematic campaign of intimidation against reformers, academics, journalists, and dissidents through arbitrary arrests, detentions, torture, and secret trials that occasionally end in executions. Executions of defendants who were juveniles at the time of their arrest continued. Iranian-American dual nationals, as well as Iranians with contacts in or travel to the United States, continued to be targets of intimidation and harassment. Prior to parliamentary elections in March, the Guardian Council disqualified almost 1,700 reformist candidates.

The general security situation throughout Iraq substantially improved and some reconciliation and easing of tensions occurred in several provinces. However, continuing insurgent and extremist violence against civilians undermined the Government's ability to uphold the rule of law, resulting in widespread and severe human rights abuses. However, there were positive developments including the passage of the Provincial Election Law on September 24 calling for elections in 14 Arab majority provinces on January 31, 2009, with elections later in the year in the three Kurdish provinces and Tameem (Kirkuk). The November 16 adoption of a law authorizing the establishment of the constitutionally mandated Independent High Commission for Human Rights also marked a step forward to institutionalize protection of those rights.

In Jordan, civil society activists expressed concern about a new law on associations. The law, which has yet to be implemented, allows the Government to deny registration of NGOs for any reason; dissolve associations; and intervene in the management, membership, and activities of NGOs. According to international and local NGOs prisons continued to be overcrowded and understaffed with inadequate food and health care and limited visitation. Although Jordanian law prohibits torture, Human Rights Watch reported that torture remained widespread and routine. There were reports by citizens and NGOs that political prisoners, including Islamists convicted of crimes against national security, received greater abuse than other prisoners, and guards abused prisoners with impunity. Women held a limited number of government leadership positions, albeit at levels higher than elsewhere in the region; at the same time, domestic violence and so-called honor crimes persisted. A 2007 press law abolished imprisonment of journalists for ideological offenses; however, limited detention and imprisonment of journalists for defamation and slander continued through provisions in the penal code. Many journalists reported that the threat of stringent fines led to self-censorship. In July the Labor Law was amended to include agriculture workers and domestic servants, placing them under some legal protections.

For a fourth consecutive year, internal violence and political battles hindered Lebanon's ability to improve the country's human rights situation. On May 7, opposition fighters led by Hizballah, a Shia opposition party and terrorist organization, seized control of Beirut International Airport and several West Beirut neighbor-

hoods. On May 21, after 84 died and approximately 200 were wounded, rival leaders reached a deal to end the violence and the 18-month political feud. Despite the cessation of hostilities and parliament's May election of President Michel Sleiman, Hizballah retained significant influence over parts of the country, and the Government made no tangible progress toward disbanding and disarming armed militia groups, including Hizballah.

The Syrian government continued to violate citizens' privacy rights and to impose significant restrictions on freedoms of speech, press, assembly, and association, in an atmosphere of government impunity and corruption. Security services disrupted meetings of human rights organizations and detained activists, organizers, and other regime critics without due process. Throughout the year, the Government sentenced to prison several high-profile members of the human rights community, especially individuals affiliated with the national council of the Damascus Declaration for Democratic National Change (DDNC), an umbrella organization of reformist opposition groups.

In Tunisia, the Government continued its systematic, severe repression of freedom of expression and association. The Government remained intolerant of public criticism by human rights and opposition activists and used intimidation, criminal investigations, and violent harassment of editors and journalists to discourage criticism. Authorities strictly censored publications both in print and on line, and routinely harassed journalists. Security forces killed a political protestor during the year and detainees faced torture, sexual assault, and coercion in attempts to elicit confessions.

SOUTH AND CENTRAL ASIA

Significant attacks on basic rights, including the freedoms of expression, religion, and association, marked 2008 in South and Central Asia.

A number of governments in the region continued to harass individual journalists and media outlets, and several countries continued to restrict free access to information on the Internet, particularly in Central Asia. In Kyrgyzstan, the Government removed programs of a prominent independent broadcaster from state-run radio and television. A government-controlled Internet provider in Kazakhstan intermittently blocked specific news and opposition-focused Web sites. Both governments levied heavy criminal libel penalties against journalists and, in some cases, the journalists left the country due to fear for their own safety. As in years past, journalists working in Turkmenistan were subject to government harassment, arrest, detention in psychological clinics, and violence. In Afghanistan, the Government convicted a student journalist of blasphemy and sentenced him to death for distributing an article he downloaded from the Internet about women's rights in Islam; an appeals court reduced the sentence to 20 years in prison. In Pakistan, arrests of journalists declined following the election of a new government. Even so, unidentified actors continued to intimidate, abduct, and kill journalists, particularly in regions of internal conflict. In Sri Lanka, defense and government officials made threatening statements against independent media outlets in the after-

math of several unresolved attacks against members of the free press.

Freedom of religion came under attack in the region with the parliaments of Kazakhstan, Kyrgyzstan, and Tajikistan introducing laws that would increase restrictions on religious freedom, disproportionately affecting religious minorities, and through violence against minorities in the Indian state of Orissa. These actions took place in the context of increased harassment of minority religious groups by the Governments of Kazakhstan and Tajikistan and continued harassment by the government of Uzbekistan. Turkmenistan welcomed a visit by the UN Special Rapporteur on Freedom of Religion or Belief, but the Government closely controlled and monitored all religious activity.

Significant issues remained on labor rights across the region. Child labor continued in agriculture and manufacturing sectors in Afghanistan, Pakistan, and India. There was widespread child labor in Kyrgyzstan and Tajikistan in cotton and other sectors, and Uzbekistan continued to compel many schoolchildren to work in the cotton harvest. Although the Government of Kazakhstan is making strides to eliminate child labor, the practice still occurs in the cotton and tobacco sectors. Forced labor, especially in the large informal sectors and among socially disadvantaged minorities, continued in Nepal, Pakistan, and India. Labor organizers in Bangladesh reported acts of intimidation and abuse as well as increased scrutiny by security forces.

Although some governments in the region restricted political opposition and prohibited genuine electoral competition, there were several improvements with regard to elections and political competition in South Asia. In Pakistan, the two main opposition parties, Pakistan People's Party and the Pakistan Muslim League-Nawaz, together won majority seats in competitive parliamentary elections and formed a coalition government ending nine years of military rule. The people of Maldives elected a former political prisoner as president in a free and fair election, peacefully unseating the longest-serving Asian leader. The Afghan Independent Election Commission led preparatory efforts for Afghanistan's second round of elections since the fall of the Taliban. Elections in Nepal produced the most diverse legislature in the country's history, and the new parliament subsequently declared Nepal a federal democratic republic, peacefully dissolving the monarchy. Bangladesh held free and fair parliamentary elections with isolated irregularities and sporadic violence. The elections and subsequent peaceful transfer of power ended two years of rule by a military-backed caretaker government. In Bhutan, elections for the lower house of parliament completed the country's transition to a constitutional and limited monarchy with genuine popular oversight and participation.

Selected Country Developments

Although human rights in Afghanistan have improved significantly since the fall of the Taliban in 2001, the country's record remained poor due to weak central government institutions and a deadly insurgency. The Taliban, al-Qa'ida, and other extremist groups continued attacks against government officials, security forces, NGOs and other aid personnel, and unarmed civilians.

There were continued reports of arbitrary arrests and detentions, extrajudicial killings, torture, and poor prison conditions. Government repression and armed groups prevented the media from operating freely.

In Bangladesh, levels of violence declined significantly and the caretaker government oversaw successful elections, but the Government's human rights record remained a matter of serious concern. The state of emergency, which the Government imposed in January 2007 and lifted on December 17, curtailed many fundamental rights, including freedom of expression, freedom of association, and the right to post bail. The Government's anticorruption drive was greeted by popular support but gave rise to concerns about fairness and equality under the law. Although the number of extrajudicial killings decreased, security forces committed serious abuses, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of security forces acted with impunity and committed acts of torture, and the Government failed to investigate fully extrajudicial killings.

In Kazakhstan, the political opposition faced government harassment via politically motivated criminal charges and restrictions on freedom of assembly. The Government continued to harass independent and opposition-oriented media outlets and journalists. At year's end, the Government was considering amendments to laws governing political parties, media, and elections. Some civil society representatives and opposition parties criticized the process as lacking transparency. The Government was also considering amendments to the religion law that, if enacted, would represent a serious step backward for religious freedom.

Although Kyrgyzstan has a vibrant civil society and independent media, in the past year the Government increasingly sought to control various aspects of civil life. New laws or amendments placed restrictions on public assembly, religious freedom, and media. In October, the National Television and Radio Network took Radio Free Liberty/Radio Europe off the air, reducing the public's access to this independent source of information. The Central Election Commission chairwoman fled the country after claiming she had been pressured by the president's son over registering an opposition candidate for October local council elections.

Nepal became a federal democratic republic shortly after national elections in April produced the most diverse legislature in the country's history. Although there were reports of political violence, intimidation, and voting irregularities, observers reported that the elections reflected the will of the people. Violence, extortion, and intimidation continued throughout the year; and impunity for human rights violators, threats against the media, arbitrary arrest, and lengthy pretrial detention were serious problems. Members of the Maoists, the Maoist-affiliated Young Communist League, and other small, often ethnically based armed groups committed numerous grave human rights abuses. Such abuses included arbitrary and unlawful use of lethal force, torture, and abduction. Several armed groups, largely in the Terai region, attacked civilians, government officials, members of particular ethnic groups, each other, or Maoists.

Pakistan returned to civilian democratic rule during the year. Opposition parties prevailed in February parliamentary elections and formed a coalition government. The coalition lasted only part of the year though the Government remains in power. In September, Asif Ali Zardari, widower of former Prime Minister Benazir Bhutto, succeeded Pervez Musharraf as president. The new government put back on the bench under a new oath five of the 13 Supreme Court judges Musharraf deposed during the November 2007 state of emergency, while three retired or resigned. The chief of army staff withdrew 3,000 army officers from civilian government posts they held during Musharraf's tenure. Despite these positive steps, the human rights situation remained poor. Military operations in the country's northwest killed approximately 1,150 civilians, militant attacks in that region killed 825 more civilians, sectarian violence in the country killed an estimated 1,125 persons, and suicide bombings killed more than 970 individuals. Ongoing battles with militants left approximately 200,000 persons displaced at year's end.

In Sri Lanka, the democratically elected government's respect for human rights declined as armed conflict escalated in the country's 25-year civil war. By year's end, there was little movement on political inclusion of minorities and they continued to suffer the majority of human rights abuses, such as killings and disappearances. The Government expelled most international humanitarian assistance providers from the northern conflict zone. Although the Government took initial steps to address the use of child soldiers by progovernment militias, the problem was not resolved. The Government failed to investigate and prosecute any security forces for human rights violations and to implement constitutional provisions that would provide oversight of government institutions. Civil society was intimidated and independent media and journalists came under particular pressure through attacks and threats from progovernment actors.

Although there were modest improvements, the Government of Turkmenistan continued to commit serious abuses and its human rights record remained poor. Political and civil liberties continued to be severely restricted. In June authorities arrested former activist and former political prisoner Gulgeldy Annaniyazov after he allegedly reentered the country illegally and sentenced him in a closed trial to 11 years in prison. December parliamentary elections fell far short of international standards. The Government continued its effort to revise laws, including its constitution, to bring them into conformity with relevant international conventions.

The Government of Uzbekistan took steps to address human rights concerns such as defendants' rights, trafficking in persons, and child labor in the cotton industry. However, serious human rights abuses continued and torture remained systemic in law enforcement. Authorities compelled many children to pick cotton, at times under poor living conditions. Human rights activists and journalists who criticized the Government continued to be subjected to harassment, arbitrary arrest, politically motivated prosecution, and torture.

WESTERN HEMISPHERE

Governments in the region continued to address past human rights abuses by working to ensure justice for victims and to end impunity. In Colombia, a number of commanding officers were under investigation for gross human rights violations. The Prosecutor General's Office was investigating 27 military officials, including three generals and four colonels, dismissed from the Armed Forces in late October for their alleged involvement in the murder of 11 youths from Soacha, near Bogotá. Several investigations continued in Chile and Argentina, and a number of judgments were handed down in cases related to abuses of the 1970s and 1980s. In Peru, the state continued prosecutions against former president Fujimori and other former government officials for corruption and serious human rights abuses. Forensic anthropology teams exhumed the remains and began identifying the bodies of hundreds of persons forcibly disappeared or massacred and buried in clandestine graves during the 1980s and 1990s. The UN-led Commission Against Impunity in Guatemala continued its investigation of 15 high-profile human rights cases involving femicide, killings of bus drivers, trafficking in persons, and attacks against and killings of trade unionists and human rights defenders.

In general, electoral institutions throughout the Western Hemisphere maintained the independence and rigor they have gained in recent years. Various electoral processes, such as the presidential election in Paraguay, the presidential primary in Honduras, and referendums in Bolivia and Ecuador, were judged generally free and fair. There were exceptions, however. In Nicaragua, the municipal elections were marred by widespread fraud, intimidation, and violence. In Venezuela, the comptroller general declared nearly 300 (mostly opposition) mayoral and gubernatorial candidates ineligible to run due to administrative infractions.

In some cases governments used democratic processes, such as constitutional referendums, to pursue policies that threatened to undermine democratic freedoms and institutions, reduce checks and balances, or consolidate power in the executive branch. In Ecuador, the 2008 Constitution contains provisions requiring media to provide the Government free airtime, prompting concerns that freedom of speech and press will be affected. In Venezuela, the passage of 26 "enabling" laws, some of which reflect aspects of the failed 2007 constitutional referendum, feature clauses that reduce the scope of authority of elected officials, and promote centralization of power.

There were threats to press freedom. In Venezuela, independent media outlets and journalists continued to be subjected to public harassment and intimidation by high-ranking government officials on state-owned media, and the independent Venezuelan television station Globovision was the target of a tear gas attack by pro-government supporters. The Nicaraguan Government used administrative, judicial, and financial measures to undermine the exercise of freedom of speech. Although Bolivia's Government generally respected press freedom, it maintained an antagonistic relationship with the press. Several NGOs alleged that President Morales and government officials made disparaging statements regarding the

press, condoning violence against journalists and media outlets, politicizing state-produced media content, and promulgating laws designed to restrict independent media.

Cuba continued to be the hemisphere's only totalitarian state after an undemocratic transfer of power from Fidel Castro to his brother, Raul.

Selected Country Developments

In Bolivia, government efforts to bring a controversial new constitution to a national referendum, opposition claims for greater regional autonomy, and competing demands for government funds led to a series of violent confrontations and large-scale road blockades. The violence peaked in September in Pando Department with 13 deaths and the illegal, prolonged detainment of the governor. In May and June, eastern departments held autonomy referenda, which the federal government refused to recognize and the international community declined to monitor. A nationwide recall referendum in August left most prefects (governors) and President Evo Morales in office, strengthening the president's Movement Toward Socialism party and its efforts to hold a national vote on a new constitution.

Against the backdrop of its 44-year armed conflict with terrorist organizations, the Government of Colombia continued efforts to improve human rights, particularly in implementing its Justice and Peace Law, a process that has helped clarify approximately 164 thousand crimes and led to reform of the military justice system. During the first 10 months of the year, killings decreased by 6 percent and kidnappings by 14 percent compared with 2007, while investigations of links between politicians and paramilitary groups implicated 70 congressmen and 15 governors, a number of whom have been imprisoned. Nonetheless, numerous societal problems and governmental human rights abuses persisted, including unlawful killings, insubordinate-military collaboration with illegal armed groups, and harassment of journalists and human rights groups. Terrorist organizations, notably the Revolutionary Armed Forces of Colombia and the National Liberation Army, committed serious human rights abuses, including political and other killings, kidnappings, massive forced displacements, recruitment of child soldiers, and attacks against human rights activists, teachers, and trade unionists.

In Cuba, there was an increase in suppression of freedom of speech and of assembly compared to the previous year. Harassment of dissidents intensified, including the beating of activists by security officials or government-organized mobs. The Government also increased its use of brief detainments and subsequent release without charges to intimidate activists and prevent them from organizing. At least 219 political prisoners remained imprisoned in squalid and life-threatening conditions, which included beatings and denial of medical treatment. Those released during the year had served their full sentences. The Government continued to restrict citizens' access to independent information, and in particular sought to restrict Internet access, despite permitting individual citizens to own personal computers for the first time.

Guatemala made efforts to improve its human rights situation. The UN-led Commission Against Impunity in Guatemala continued its investigation of high-profile human rights cases and expanded its investigative capacity through the creation of a new unit of prosecutors. However, there continued to be widespread violence and impunity. Members of the national police committed unlawful killings, and in many cases authorities transferred individual police officers or dismissed them rather than investigate and prosecute alleged wrongdoers. Other violence stemmed from gang incidents, sexual assault, extortion, organized crime, and narcotics trafficking. Trade unionists were threatened with violence or killed by unknown assailants. Government corruption remained a serious issue, with public surveys indicating a lack of confidence in nearly all governmental institutions.

Nicaragua's ruling Sandinista government excluded credible international observers from the November municipal elections, which were marred by widespread fraud, irregularities, and intimidation. The country continued to suffer from lack of respect for the rule of law, systemic corruption, and politicization of the judiciary and other government organs. The Government and other actors intimidated and harassed journalists and civil society groups that did not support official policies.

In Venezuela, the NGO community noted an erosion of both democratic and human rights, with potentially severe consequences. During the year, the National Assembly passed 26 laws that featured clauses reducing the scope of authority of elected officials and promoting centralization of power. The Government drew international criticism and accusations of unconstitutionality by declaring 272 candidates for municipal and gubernatorial elections ineligible to run; the majority of these were opposition candidates. President Chavez declared his intention to establish another constitutional referendum—on February 15, 2009—that would again attempt to abolish term limits for the president, and for the first time for all elected officials. There were numerous and substantive hindrances and threats to freedom of expression, including media freedom. Government officials publicly harassed and intimidated independent media outlets and journalists on state-owned media. The Government sued an independent Venezuelan television station, alleging that the network had promoted the assassination of President Chavez. Individuals and media networks also were accused of fomenting violence and destabilizing the Government after they made statements that were critical of, or urged action in opposition to, the Government. Government institutions and officials and government-affiliated media outlets promoted anti-Semitism through numerous anti-Semitic comments, which had a spillover effect into society, taking the form of anti-Semitic expression, caricatures, vandalism, and other physical attacks against Jewish institutions.

CONCLUSION

December 10, 2008, marked the 60th anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly. In the decades since the Declaration's

adoption, there have been remarkable gains on every continent for the rights it enumerates. Still, 60 years later, hundreds of millions of people are denied fundamental freedoms by their governments.

The United States is a country founded on human rights and the rule of law. In publishing these reports, we seek to be a source of information, hope and help to people everywhere who are oppressed, silenced, and marginalized. We are inalterably committed to working at all levels—national, regional, and global—to ensure that the human rights enshrined in the Universal Declaration are protected and respected.

NEAR EAST AND NORTH AFRICA

ALGERIA

Algeria is a multiparty republic of approximately 36 million inhabitants whose head of state and government (President) is elected by popular vote to a five-year term. The President has the constitutional authority to appoint and dismiss cabinet members and the prime minister. President Abdelaziz Bouteflika was reelected in 2004 in a generally transparent, contested election. On November 12, the parliament adopted a constitutional amendment eliminating the two-term limit for the President. Multiparty parliamentary elections in May 2007 were conducted in a generally transparent manner, but authorities did not allow all political parties full access to the electoral process. The Government held multiparty local elections in November 2007, but irregularities and charges of fraud marred the electoral process. A state of emergency implemented in 1992 remained in effect during the year. Civilian authorities generally maintained effective control of the security forces.

While the law provided for the right to change the Government through elections, restrictions on freedom of association significantly limited citizens' ability to do so. Other human rights problems included failure to account for persons who disappeared in detention during the 1990s, reports of abuse and torture, official impunity, abuse of pretrial detention, poor prison conditions, limited judicial independence, and restrictions on freedom of speech, press, and assembly. There were also increased limitations on religious freedom and problems with security-based restrictions on movement, corruption and lack of government transparency, discrimination and violence against women, and restrictions on workers' rights.

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

RESPECT FOR HUMAN RIGHTS

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

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

The Ministry of the Interior (MOI) infrequently released information concerning the total number of terrorist, civilian, and security force deaths. During the year security forces killed, injured, or arrested approximately 1,000 terrorists. According to press reports of official estimates, the total number of deaths was 321. Of these, terrorists killed 90 civilians and 69 security force members; security forces killed an estimated 162 suspected terrorists. These numbers decreased from the 670 reported in 2007.

Most of the terrorist attacks during the year were attributed to terrorist group al-Qa'ida in the Islamic Maghreb (AQIM), which emerged in January 2007 after the Salafist Group for Preaching and Combat (GSPC) allied itself with al-Qa'ida in 2006.

The year was marked by significant violence. On June 8, a double bomb attack killed 14 persons in Lakhdaria. On August 9, a man detonated a car bomb near a police surveillance post in Zemmouri, killing eight persons and injuring 19. On August 17, terrorists detonated an improvised explosive device and shot and killed eight police officers, three soldiers, and two civilians. On August 19, a suicide bomber detonated himself outside a police training academy in Issers, killing at least 44 and injuring 45. AQIM claimed responsibility for all of these attacks. Minister of the Interior Nouredine Zerhouni stated at mid-year that 200 to 300 terrorists operated in the country.

b. Disappearance.—Enforced disappearances, reportedly numbering in the thousands, were a significant problem during the 1990s and continued to be an issue covered in the media and raised by local and international nongovernmental organizations (NGOs). The Government stated that 6,546 persons were missing or dis-

appeared as a result of government actions between 1992 and 1999, with approximately 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. NGOs reported that security forces had played a role in the disappearances of approximately 8,000 persons.

In February 2007 the Government signed the International Convention for the Protection of All Persons from Enforced Disappearances. Law 06-01 of 2006 provides measures for compensating victims of disappearances. For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Many of the disappearances in the 1990s were later attributed to the security forces; however, the Government did not prosecute security force personnel, and there was no evidence that the Government investigated cases it acknowledged were caused by security forces.

In 2005 voters approved by referendum President Bouteflika's proposed Charter for Peace and National Reconciliation, which ended the Ad Hoc Mechanism established in 2003 to account for the disappeared. The charter went into effect in 2006, granting amnesty to and preventing investigation into the conduct of the National Popular Army, the security forces, state-sponsored armed groups, and persons who fought on behalf of the Government.

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

On May 26, the UN Committee Against Torture (UNCAT) reported its concerns that Law 06-01 provides impunity for members of armed groups and state officials and that the Government had not yet initiated proceedings to investigate the fate of the disappeared. UNCAT also expressed concern that the Government had not publicized the criteria for compensating family members and required those compensated to waive their right to seek civil damages against the state.

Families of the disappeared experienced complications and delays in receiving compensation from the Government. According to the Ministry of National Solidarity (MNS), the Government in 2006 created a special fund valued at approximately 22 billion dinars (\$300 million) to compensate individuals eligible under the Charter for Peace and National Reconciliation. In October, National Consultative Commission for the Promotion and Protection of Human Rights (CNCPDH) President Farouk Ksentini, the Government's human rights ombudsman, said that 97 percent of families of the disappeared had accepted compensation under the charter. As of the end of 2007 at least 17,000 requests for compensation had been submitted, of which approximately 5,300 requests were honored. Another 2,700 requests were under consideration. The remaining 9,000 requests would not benefit directly from the charter, but the individuals were scheduled to receive MNS financial assistance.

On May 16, Interior Minister Zerhouni reported that 115 of 375 kidnapping cases in the previous two years were related to terrorism.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, NGO and local human rights activists reported that government officials employed such practices to obtain confessions. Government agents can face prison sentences of up to 10 to 20 years for committing such acts. Nonetheless, impunity remained a problem.

Local human rights lawyers maintained that torture continued to occur in detention facilities, most often against those arrested on "security grounds."

In February human rights NGO Alkarama reported that after a protest by inmates related to prayer room space, prison guards handcuffed, stripped, and beat approximately 80 prisoners with iron bars and sticks.

On May 19, a court in Blida placed four police officers, accused of torturing five suspects at the police station in Cheraga, under judicial control and ordered their temporary detention. On December 15, the prosecutor in Blida asked for prison sentences of 12 years for each officer and sought a seven-year prison sentence for the former police chief of the station. The victims said that the officers used a taser after their arrest to give electric shocks and force their confession in a case involving a stolen car. The trial was pending at the end of the year.

Prison and Detention Center Conditions.—During the year the Government permitted the International Committee of the Red Cross (ICRC), the UN Development Program (UNDP), and the Red Crescent Society to visit regular, nonmilitary pris-

ons. ICRC visits to persons held in places of detention run by the Ministry of Justice (MOJ) and to those detained in police stations and gendarmeries were carried out in accordance with ICRC standard practices. The Government denied other human rights observers visits to military and high-security prisons and detention centers.

In February an ICRC delegation visited the El Harrach prison after reports that security guards used violence against prisoners. According to press reports, prisoners complained about the closure of the prayer room.

On June 9, Mokhtar Felioune, the director general of the Prisons Administration, announced that 7,547 prisoners benefited from temporary release as part of a government effort to reduce overcrowding in the country's prisons. Felioune also noted that 1,390 prisoners benefited from work/study release programs while 8,268 received parole for good conduct. During a December 22 press conference, Felioune stated there were 65,000 prisoners in the country's penal system. In 2007 Felioune stated there were 54,000 persons held in 127 prisons.

Overcrowding was a problem in many prisons. According to human rights lawyers, the problem of overpopulation was partially explained by the abusive recourse to pretrial detention. Pretrial detainees were held separately from convicted prisoners. In his October 2 statement, Felioune expressed concern about overcrowding in prisons. In some cases overcrowding meant that juveniles were held with adults; however, the country, in general, maintained separate juvenile detention centers. On December 15, a local newspaper reported that the CNCPPDH conducted 34 prison visits during the year and highlighted concerns with overcrowding, insufficient bed space, as well as poor lighting, ventilation, nutrition, and hygiene.

In its May report, UNCAT expressed concern over reports that the Department of Information and Security (DRS), the military intelligence agency tasked with internal security, ran secret detention centers inside military barracks in Algiers that operated outside judicial authority.

The Government reported that 14,000 prisoners participated in various vocational training, while 1,551 prisoners participated in the middle school equivalency exam (BEF), and 1,357 prisoners took part in the university entrance exam (BAC). On July 23, the President pardoned 260 prisoners who passed the BEF exam and 36 who passed the BAC exam.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. On September 9, the head of the government-appointed CNCPPDH said the abuse of pretrial detention tarnished the image of the country's justice system.

Role of the Police and Security Apparatus.—The national police force, consisting of more than 108,000 members, falls under the control of the MOI and has national jurisdiction. The National Gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas. The DRS reports to the Defense Ministry and exercises internal security functions but also performs police-like functions in terrorism cases. Police and gendarmes were generally effective at maintaining order. All security forces are provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses. Corruption existed, especially in the customs police. According to press reports, 960 customs officials faced disciplinary commissions for official negligence or corruption charges in the past three years. On July 27, customs officials reported 215 disciplinary cases during the first quarter of the year; 118 cases resulted in official reprimands, and nine cases resulted in suspensions.

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

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

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

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

The constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the suspect's detention to 72 hours.

Those suspected of terrorism or subversion may be held legally for 12 days without charge or access to counsel. In practice the security forces generally adhered to the 48-hour limit in non-terrorism cases.

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

Judges rarely refused prosecutorial requests for extending preventive detention, which can be appealed to a higher court but was rarely overturned. Should the detention be overturned, the defendant can request compensation. Most detainees have prompt access to a lawyer of their choice, and if the detainee is indigent, the Government provides a lawyer. In November 2007, according to the prison administration, pretrial detainees represented 6,100 individuals, or 11 percent, of the individuals held by prison authorities.

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

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

According to human rights lawyers, in July authorities charged Kamal Akkache with belonging to a terrorist organization, and he remained in detention at year's end. Amnesty International (AI) reported that DRS agents detained Akkache in September 2007 and held him without charge for 10 months. At year's end Mohamed Fatmia remained detained in Serkadji prison on terrorism charges after DRS agents arrested him and held him incommunicado throughout 2007. Human rights advocates reported that authorities continued to hold Mohamed Rahmouni at the military tribunal in Blida without access to a lawyer.

Authorities released Fethi Hamaddouche in October 2007; Hamaddouche had been held without charge in DRS custody since March 2007. NGOs reported that authorities also released Youcef Belmouaz and Brahim Abed in 2007 after seven months of incommunicado detention. The two men were tried and acquitted on charges of belonging to a terrorist organization active abroad.

In 2006 according to local and international NGOs, Mohammed Rabah Ajine, Zeineddine Belacel, and Habib Boukhatemi disappeared and were later placed in pretrial detention in Algiers. Four months later, they appeared before a judge and were charged with belonging to a terrorist group operating in Algeria and abroad. A court acquitted Belacel; Ajine and Boukhatemi were sentenced to three years in prison.

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

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

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

Military courts in Oran, Blida, Constantine, and Bechar try cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the President of each court is a civilian, the chief judge is a military officer. Defense lawyers must be accredited by the military tribunal in order to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. Military tribunals try cases but only occasionally dis-

close information on proceedings. There was no public information available on any cases before them during the year.

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

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

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

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

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions; in practice, however, government authorities infringed on citizens' privacy rights. According to rights activists, the Government monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant.

Section 2. Respect for Civil Liberties, Including:

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

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

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree, introduced in 1992 and still in effect during the year, gives the Government broad authority to restrict these freedoms and take legal action against what it considers to be threats to the state or public order. A 2006 Presidential decree criminalizes free speech about the conduct of the security forces during the internal conflict of the 1990s.

Radio and television were government-owned and broadcast coverage favorable to the Government. During nonelection periods, opposition spokesmen generally were denied access to public radio or television. Some opposition parties had severely limited access to television. These limitations, however, were less evident for radio. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the May 2007 legislative elections and prior to the November 2007 local elections. Several opposition parties said that their daily media allotment during the three-week period was the first time they had been allowed media access since the last election cycle.

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

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

Charges of defamation are based on a 1990 law that protects Islam from defamation, controls access to external information, and outlaws writing that threatens na-

tional unity. In 2001 the Government amended laws to criminalize writing, cartoons, and speech that insult or offend the President, the parliament, the judiciary, or the armed forces. The penal code imposes high fines and prison terms of up to 24 months for defamation or "the insult" of government figures, including the President, members of parliament, judges, members of the military, and "any other authority of public order." Those convicted face prison sentences that range from three to 24 months and fines of 50,000 to 500,000 dinars (\$737 to \$7,370).

The Government used these defamation laws regularly in an attempt to pressure editors, journalists, and the owners of printing houses. In December, Reporters without Borders (RSF) criticized the defamation laws as "repressive legislation." In October 2007 the International Federation of Journalists condemned actions taken by the Government against journalists.

Omar Belhouchet, editor of the French-language newspaper *El-Watan*, faced government pressure throughout the year for articles published in his newspaper. On March 4, a Jijel appeals court upheld defamation convictions against Belhouchet and columnist Chawki Amari. Belhouchet and Amari each received a sentence of two months in prison and fines of one million dinars (\$15,000) for comments published in a 2006 *El-Watan* article.

On December 23, an Algiers court sentenced Belhouchet and reporter Salima Tlemcani to three months in prison and a fine of 50,000 dinars (\$737) for allegedly libeling a faith healer in a 2004 article. Belhouchet and Tlemcani remained free at year's end pending an appeal.

According to RSF, a court summoned Belhouchet on December 28 in connection with three libel cases relating to articles Belhouchet published several years ago about airfare increases and police killings of demonstrators. The court adjourned the cases until January 2009.

On March 15, Yasser Abdelhai, a journalist at the Arabic-language daily newspaper *Echourouk el-Youmi*, received a court order to pay fines of four million dinars (\$60,000) in connection with four separate defamation cases against him. Abdelhai faced legal sanction for allegedly criticizing mismanagement within the Jijel local government.

On June 10, the Government revoked the Agence France-Presse (AFP) and Reuters bureau chiefs' press accreditations in response to reports the agencies filed on terrorist attacks in the country. Authorities alleged that the reports exaggerated or provided false information regarding a June 9 terrorist attack in Beni Amrane.

On October 26, a court sentenced journalist Nouredine Boukraa to a three-month suspended sentence and a fine of 30,000 dinars (\$440) after a police chief complained about a 2007 article by Boukraa accusing local police of corruption. Authorities originally requested a one-year jail sentence on charges of "disclosing secrets from an investigation through the use of confidential documents," "attacking the honor of a state body," and defamation.

On October 28, an appeals court in Saida issued an additional two-month prison sentence to journalist Hassan Bourras' original sentence of a 40,000 dinar (\$590) fine. On March 24, a local court convicted Bourras of "attacking state institutions" for an article published in 2006 criticizing the municipal administration of El-Bayadh.

On December 12, authorities arrested and then later released journalist Faycal Benmedjahed, the editor of newspaper *Alger Republicain*, for an outstanding defamation charge from the 1990s as he tried to board a plane in Algiers.

The Algiers court of appeals upheld the original suspended sentences of six months' imprisonment in the April 2007 case against editor Ali Fodel and reporter Naila Berahal. The court reduced the original fine of 500,000 dinars (\$7,370) to 50,000 dinars (\$737). In 2006 an Algiers court convicted both men on charges of defaming Libyan leader Muammar al-Qadhafi and endangering the security of the Algerian and Libyan states.

There were no developments in the April 2007 appeal of Saad Lounes, who was given a one-year sentence for tax fraud on the basis of a complaint by the Ministry of Commerce dating back to 1995. Lounes faced legal pressure for more than 10 years while he operated the only private printing press in the country.

An appeals court reduced the October 2007 sentence of journalist Dhil Talal, convicted of defamation for an article exposing monetary losses of a government ministry, to a fine of 5,000 dinars (\$75) and a six-month suspended prison sentence. Talal appealed this decision in September.

Government economic leverage on the media was considerable. Most newspapers were printed at government-owned presses, except *El-Watan*, *El Khabar*, *Quotidien d'Oran*, and *Echourouk el-Youmi*.

The Government continued to influence the independent press through the state-owned advertising company, Agence Nationale d'Édition et de Publicité (ANEP),

which decided whether independent newspapers could benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the Government, controlled the largest source of income for most newspapers. As has been the case in recent years, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

At the annual October Algiers Book Fair, the Ministry of Religious Affairs (MRA) banned the sale of 1,471 religious titles. Shortly before the book fair, the Government banned the printing of author and vocal government critic Mohamed Benchicou's latest book, *The Diary of a Free Man*. During the 2007 book fair, government officials confiscated and banned a previous book by Benchicou, *The Jailhouses of Algiers*.

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

Access to print and broadcast media for Amazigh culture continued to grow. As in recent years, Tamazight (the Amazigh or Berber language) programming also increased on the non-Berber language channels, as did advertisements in Tamazight on all television and radio channels. Beginning in the 2006–07 scholastic year, the Tamazight language was taught officially in primary schools, starting in the fourth grade, in 17 predominantly Berber provinces. In 2007 the Government created an Academy and a Superior Council of the Tamazight language, pursuant to Article 3 of the constitution announcing that Tamazight is a national language. Both institutions are under the authority of the presidency.

The Government continued restrictions on both the local and the international media's coverage of issues relating to "national security and terrorism." Al-Jazeera's office remained closed since the Government banned it from operating in the country in 2004 for broadcasting a program featuring opposition figures criticizing the Government. Several international journalists continued to have their accreditations either withdrawn or denied.

Internet Freedom.—Access to the Internet was generally unimpeded by the Government; however, the Government monitored e-mail and Internet chatrooms and in some cases prosecuted persons for content published on personal Web sites. In June 2007 a court fined blogger Abdulsalam Baroudi 10,000 dinars (\$167) for posting defamatory material on a personal blog. Internet service providers can face criminal penalties for the material and Web sites they host, with the objective to prevent access to material "incompatible with morality or public opinion." No cases were brought during the year.

According to 2007 International Telecommunications Union data, there were approximately 190,000 subscribers and 3.5 million users of the Internet.

Academic Freedom and Cultural Events.—Academic freedom generally was restricted in the same manner as freedom of expression. Academic seminars and colloquiums occurred without governmental interference, but there were delays in issuing visas to international participants and instances where international experts were denied entrance.

A ban remained in effect during the year on the broadcast of songs by Reda Taliani following the 2007 National Radio of Algeria restriction of his material due to references to the Western Sahara being part of Morocco.

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

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

During July and August, police prevented a series of weekly sit-ins organized by trade unions and contract teachers who attempted to demonstrate near the Presidential offices. The police blocked walking routes to prevent persons from gathering. Eyewitnesses reported the police pushing and shoving participants but no beatings.

The LADDH reported continuing difficulties in obtaining permission to hold outdoor meetings and seminars. Groups opposing the Charter on Peace and Reconciliation had difficulty securing permission to hold public gatherings.

In 2007 security forces banned an international seminar on forced disappearances organized by several NGOs, and the Government denied visas for Roberto Garretón,

a UN expert on human rights, and Anne Laurence Lacroix, deputy director of the World Organization Against Torture, to attend.

On July 5, the NGO SOS Disparus marked the tenth anniversary of its weekly sit-in in front of the CNCPPDH headquarters to urge President Bouteflika to take further action on the problem of the disappeared. In 2007 the Government broke up at least four marches, protests, and demonstrations outside the capital in El Oued, Ain Talout, Oran, and Boussaada.

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

The Government issues licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The MOI regarded organizations unable to attain government licenses as illegal. Domestic NGOs encountered bureaucratic obstacles to receiving financial support from abroad. Although not illegal, financial support from abroad is conditioned on a series of authorizations from the ministries of interior and national solidarity. These authorizations have been difficult to obtain. According to the MOI, there were 81,000 registered associations, 5,000 of which were active during the year.

SOS Disparus remained unrecognized but operated without interference.

As in 2007, AI officials did not attempt to visit the country after having been denied visas in 2006. The Government issued visas to officials from Freedom House, a foreign NGO.

The Government continued to make it difficult for international NGO representatives to obtain visas to visit the country. The Government maintained that legislation did not allow branches of foreign NGOs to operate legally in the country.

c. Freedom of Religion.—The constitution provides for freedom of belief and opinion, but in practice the Government restricted religious freedom. The constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. More than 99 percent of the population is Sunni Muslim. The constitution prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the Government; however, human rights observers reported that such workers were not promoted and that some hid their religious affiliation.

In February the Government began enforcing Ordinance 06–03, which increased restrictions on non-Muslim worship. The law limits the practice of non-Muslim religions and restricts public assembly for the purpose of worship. The law requires organized religious groups to register with the Government, controls the importation of religious texts, increases punishments for individuals who proselytize Muslims, and treats transgressions as criminal rather than civil offenses.

According to reports from church leaders and human rights organizations, the Government ordered the closure of 27 churches for alleged noncompliance with the ordinance during the year. The Government also pressured domestic pastors, religious converts, and one foreign Catholic priest, accusing some of breaking the law’s provisions banning proselytism.

On January 30, a court in Maghnia issued a one-year suspended prison sentence to a foreign Catholic priest for praying with Cameroonian migrants in an unauthorized place of worship. Upon appeal he received a reduced suspended prison sentence of two months and a fine of 20,150 dinars (\$297). He filed a new appeal, which was pending at the end of the year.

In February authorities informed Reverend Hugh Johnson, a retired Methodist minister who resided in the country for 45 years, that his residence permit would not be renewed and advised him to leave the country. He was not provided an official reason for the nonrenewal and departed in March. According to press reports, a government official said Johnson was ordered to leave for reasons relevant to the “security of the state.”

The law requires religious groups to register their organizations with the Government prior to conducting any religious activity. The Catholic Church was the only non-Islamic religious group officially registered to operate in the country. The

Protestant, Anglican, and Seventh-day Adventist churches had pending registration requests with the Government and reported no government interference in their holding services. Other churches operated without registration, some openly, while others secretly practiced their faith in homes. Some churches, including Methodist and Presbyterian, affiliated their organizations with the Protestant Church of Algeria.

Between February and April, members of a church in Ouadhia said they attempted to apply for registration 12 times. In each case local authorities refused to accept the documents.

Conversion is not illegal under civil law, and apostasy is not a criminal offense; however, the Government interprets Shari'a as banning conversion from Islam to another religion. On March 30, authorities charged Habiba Kouider with "practicing a non-Muslim religion without a permit." The prosecutor asked that Kouider be sentenced to three years in prison. Kouider was traveling by bus when police questioned her and found her to be carrying Bibles and other religious materials. At year's end the case remained ongoing.

During the year authorities arrested Christian converts Yousef Ourahmane, Rachid Seghir, Hamid Ramdani, Djammal Dahmani, Jillali Saidi, Abdelhak Rabhi, and Chaaban Baikel for various combinations of proselytizing, blasphemy, and illegally practicing a non-Muslim faith. Courts sentenced each to prison terms and fines. A court acquitted Ourahmane, Seghir, and Ramdani of their charges on October 29. The other cases were pending at the end of the year.

Authorities arrested six residents of the town of Biskra for eating and playing cards during daylight hours of Ramadan. On October 5, a judge found all six guilty and fined them 120,000 dinars each (\$1,770). Six days later an appeals court judge overruled the decision, saying that the original sentence violated the constitution, which provides for freedom of belief. In a separate incident, the Algiers appeals court on November 18 reduced the sentence of three years' imprisonment to two months of time served for three men convicted of smoking during Ramadan. Authorities arrested the men September 21 and detained them for the duration of their trial.

The Government restricted the importation of religious literature, including Islamic literature, intended for widespread distribution and infrequently arrested persons carrying such materials for personal use. In recent years non-Islamic religious texts, music, and videos were available for purchase in some stores in larger cities. The government-owned radio station provided broadcast time for Protestant and Catholic radio broadcasts. The Government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The ministries of national education and religious affairs strictly required, regulated, and funded the study of Islam in public schools and monitored all Koranic schools to prevent extremist teachings. In September local press reported that the MRA dismissed 53 imams and closed 42 locations used for unauthorized Islamic worship.

The Government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the MRA for "disciplinary action" when deemed appropriate. The MRA provided financial support to mosques and trained, paid, and regulated the appointments and sermons of imams. However, officials stated that they rarely interfered with sermons beyond an advisory capacity. The penal code provides for prison sentences and fines for preaching in a place of worship without the authorization of both religious and national authorities. All persons, including imams recognized by the Government, are prohibited from speaking during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as a pretext for such actions." The Government required imams to obtain permits to hold night prayers during Ramadan.

In November local press reported that some imams filed censorship complaints with the MRA after they faced penalties for failing to address the November 1 anniversary of the revolution in their sermons. The ministry denied these claims.

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

The country's Jewish population numbered fewer than 100 persons, and there were no functioning synagogues. Anti-Semitic articles, political commentary, and cartoons appeared regularly in the Arabic-language press. A member of the Jewish

community reported receiving two anonymous death threats, and police responded by placing the individual's home and office under surveillance. The Government did not promote antibias education, and there is no hate crime legislation.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement; however, the Government restricted the exercise of this right.

The Government did not permit young men eligible for the draft, who had not yet completed their military service, to leave the country without special authorization; however, such authorization was granted to students and to persons with special family circumstances.

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

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

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However, there were no reports that the Government granted refugee status and asylum to new refugee applicants during the year. According to the Office of the UN High Commissioner for Refugees (UNHCR), the Government did not accept UNHCR-determined refugee status for individuals from sub-Saharan Africa fleeing conflict. The Government provided informal assistance to an estimated 1,000 Tuaregs in the south fleeing conflict in Mali and Niger. However, authorities did not extend legal protections to an estimated 1,400 asylum seekers from sub-Saharan Africa residing in Algiers, many of whom were deported after trials without legal counsel.

The Government provided protection to an estimated 90,000 Sahrawi refugees who left the Western Sahara after Morocco took control of the territory in the 1970s. The UNHCR, the World Food Program, the Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. Neither the Government nor refugee leadership allowed the UNHCR to conduct a registration of the Sahrawi refugees.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their freedom would be threatened, as was the case with the Sahrawi refugees. However, the Government did not provide protection to those fleeing conflict in west and central Africa.

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

The constitution provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage. Although elections have been generally transparent, there are restrictions on political party activities which limit this right.

Elections and Political Participation.—Multiparty parliamentary elections were held in May 2007 for the lower house on the basis of universal suffrage, but not all political parties were allowed full access to the electoral process. The MOI disqualified the Islamist party Islah on the grounds that its leader had not been elected in a recent party congress.

Multiparty local elections were held in November 2007, but the election process was marred by irregularities and charges of fraud. No monitoring of the vote counting process was allowed at the local, district, or national level.

A contested, multiparty Presidential election was held in 2004 on the basis of universal suffrage. The constitution mandates Presidential elections every five years and limits the incumbent to two terms. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free, fair, and transparent, although not without flaws. According to the constitution, the next Presidential election was scheduled to take place in 2009. On October 29, President Bouteflika announced his intention to seek par-

liamentary approval for a set of constitutional amendments that included a removal of Presidential term limits. On November 12, the parliament approved the proposed amendments by a wide margin with minimal debate.

There were reports of restrictions placed on opposition political parties. Opposition candidates complained that the MOI regularly blocked registered parties from holding meetings and denied them access to larger and better equipped government conference rooms while facilitating the activities of the pro-Bouteflika National Liberation Front (FLN). The law requires that potential political parties receive official approval from the MOI to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the MOI. July 2007 amendments to the electoral law stated that a party must receive 4 percent of the vote or have received at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections in order to participate in national elections.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. The Government continued to refuse to register Wafa because its perceived ties to the banned FIS constituted a threat to national security, according to the interior minister. In July, Wafa leader Ahmed Taleb Ibrahimi announced that he was withdrawing from politics. The Government did not provide an official response to the 1998 registration request of the Democratic Front, which was not active during the year. No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to non-political associations and regulates party financing and reporting requirements.

There were three women in the cabinet. Women also held 30 of the 389 seats in the Assembly and four of the 144 seats in the Council of the Nation. A woman led the Workers Party, and three major political parties—FLN, National Rally for Democracy, and Rally for Culture and Democracy—had women's divisions headed by women. The country did not have a quota system to require election of women to a certain percentage of seats in the parliament.

The ethnic Tamazight minority of approximately nine million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the Government.

Government Corruption and Transparency.—The law provides criminal penalties of two to 10 years in prison for official corruption; however, the Government did not implement the law effectively. In 2006 the Government passed a law establishing a national anticorruption program, although parliamentarians removed a provision that required elected and senior officials to declare their assets and that lifted parliamentary immunity in certain cases. The parliamentarians argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should reside solely with the parliament. In 2006 the President issued three decrees to implement provisions of the anticorruption legislation. The three Presidential decrees and the penal code address the types of offenses that the removed provision was intended to punish. The decree also stipulates the formation of an anticorruption agency, but it had not been established by year's end.

Public procurement was often tainted with irregularities, including the excessive use of private agreements. According to the Ministry of Public Works, following the President's 2005 statement that the use of private agreements, including single source contracts, would be prohibited, government agencies began implementing a public tender policy for all infrastructure and large government projects. Some agencies, however, continued to use direct contracts for smaller and less publicized projects. For those public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined.

The Government took action on several high-profile cases of official corruption during the year. On April 6, President Bouteflika ordered the dismissal of Abdelkader Bousmail, director of religious affairs in Sidi bel Abbes, who was charged with mismanaging public funds.

On May 5, press sources reported that the directorate general of the customs service dismissed five customs officers and sanctioned another 30 for professional incompetence and violations of the customs code. There were 65 officials charged with corruption in the customs service between January and October 2007.

On May 11, press reports quoted MOI officials who stated that since 2007, 1,325 employees of municipal and provincial governments were subject to legal proceedings for wasting public funds, forgery, and bribery. According to the report, authorities convicted 324 employees, while the others remained under investigation or had trials pending.

In March a court found the former provincial governor, Djilalli Araar, guilty of corruption and embezzlement of public funds. At year's end Araar was serving a prison sentence. The Supreme Court lifted its order of judicial control and placed

the former governor of Blida, Ahmed Bouricha, in parole status during the year. Bouricha resigned in 2005 after authorities charged him with several corruption-related crimes in the mid-1990s.

In July 2007 a court in Skikda sentenced two senior police officers to 10 years in prison and fined them 500,000 dinars (\$7,370) for corruption. Ten mayors involved in the same case received sentences ranging from six months to one year and were fined 6,000 dinars (\$90). In 2007, 24 police officers were convicted of corruption and received prison sentences; 192 police officers were sentenced in 2006.

Although permitted under the constitution, authorities restricted access to government information. There is no law facilitating access to information. Throughout the year the MOJ, in cooperation with the UNDP, improved access to information about the country's judicial system and developed a modern information management system for penitentiaries. Citizens may now request personal legal records from the courts and receive the documents the same day.

Lack of government transparency remained a serious problem. The Government did not release many economic statistics. All ministries have Web sites, but not all were updated. The MOJ provides information on citizens' rights and legislation.

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

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

Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad without approval from the minister of national solidarity. However, approximately 100 unlicensed NGOs, such as women's advocacy groups and charity organizations, operated openly. Unlicensed NGOs did not receive government assistance, and citizens were at times hesitant to be associated with these organizations. The Government was not publicly responsive to reports and recommendations from domestic human rights NGOs.

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

The smaller LADH is an independent organization based in Constantine. LADH was licensed and members throughout the country monitored individual cases.

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

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

The authorities cancelled a civil society meeting sponsored by the German Friedrich Ebert Foundation and the LADDH planned for October 5 to discuss the 20th anniversary of the 1988 riots. According to the Ebert Foundation, officials gave no documented reason for the cancellation.

On March 3, the prime minister urged foreign diplomatic missions to respect diplomatic courtesy and warned civil society and political organizations about holding meetings (with foreign missions) that "undermine the country's internal affairs." On April 9, Interior Minister Zerhouni told an audience of parliamentarians that international NGOs in Algeria were not "helping or building" the country.

The ICRC had access to civilian prisons and pretrial detention centers.

International NGO Handicap International and local NGO the National Foundation for Health Promotion and Research Development (FOREM), both of which worked on children's rights, did not report difficulty conducting investigations.

In January 2007 Yakin Erturk, UN special rapporteur on violence against women, visited the country. However, the Government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances (pending

since 1997), the UN special rapporteur on torture (pending since 1997), and the UN special rapporteur on extrajudicial executions (pending since 1998).

The CNCPPDH is the government-established ombudsman for human rights. Directed by Farouk Ksentini, the CNCPPDH is composed of 22 members from governmental bodies and 23 from civil society and NGOs. The nongovernmental members included representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the CNCPPDH's budget and secretariat come from his office. The CNCPPDH is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the Government and the population, and provide expertise on human rights issues to the Government. The public generally viewed CNCPPDH as progovernment. The group delivers its complete annual report only to the President and provides an abstract of the report for public viewing, thus rendering it difficult to measure the effectiveness of the organization's work.

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

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

Women.—Rape, spousal and nonspousal, occurred. Nonspousal rape is illegal; spousal rape is not. Prison sentences for nonspousal rape range from one to five years. Claims filed by women for rape and sexual abuse continued to face judicial obstacles; however, women's rights activists reported that law enforcement authorities have become more sensitized to the issue. During the year, women's rights activists reported a significant increase in reports of violence against women.

Spousal abuse occurred. The penal code states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery. Because of societal pressures, women frequently were reluctant to endure this process.

According to the CNCPPDH, approximately 4,500 women were victims of assault during the first half of the year. Police statistics for that time period reported 2,675 cases of physical assault, 1,359 cases of abuse, 144 cases of sexual assault, and four deaths. Approximately 20 percent of assailants were identified as male family members. A study researched in 2005 emphasized that the home was the "privileged place for spousal violence."

In 2007 the National Institute of Public Health (INSP) and the police reported 9,099 cases of domestic violence.

The police stated that violence against women was widespread in large cities. However, a March 2007 study published by the INSP showed that violence against women was more frequent in rural areas and among less-educated persons and was less likely to be reported in such cases because of societal pressures.

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

SOS Femmes en Detresse and the Wassila Network provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. Several rape crisis centers run by women's groups operated, but they had few resources. The Working Women section of the General Union of Algerian Workers (UGTA) established a counseling center with a toll-free number for women suffering from sexual harassment in the workplace. The call center did not operate during most of the year due to budget constraints. From January to June 2007, the center received 1,108 calls, compared with 1,524 in all of 2006. SOS Femmes en Detresse operated one call center in Algiers and a second call center in Batna. During the year the Algiers call center received 2,673 calls; the Batna call center received 1,869 calls.

According to the penal code, prostitution is illegal; however, the INSP and female advocacy groups reported that prostitution was a growing problem.

The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars (\$750 to \$1,500). The punishment is doubled for a second offense. The police stated that 107 sexual harassment cases were reported to the police. The INSP reported that 50 sexual harassment cases were brought to court in 2007. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 610 women. During 2007 at least 500 women sought legal advice from the organization. However, the majority of women seeking assistance did not file formal complaints. Ac-

According to the INSP, 10 persons were convicted in 2007 and received fines ranging from 2,000 to 50,000 dinars (\$30 to \$750).

During the year the minister delegate for the family and female condition, Nouara Djaffar, began implementation of the national strategy to combat violence against women, which has a focus on improving enforcement and providing assistance to victims. Local NGOs viewed this as a positive step toward improving the effectiveness of enforcement.

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

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

The family code affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this occurs in 1 to 2 percent of marriages, and polygamy is restricted.

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

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets be used to support the family, while the wife's remain, in principle, her own. However, in practice, women do not always have exclusive control over assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without permission of their husbands. Married women may take out business loans and use their own financial resources. According to the National Center of Trade Records, 9,500 women had their own businesses in 2006. According to a World Economic Forum report, the women's unemployment rate was 17.5 percent during the year.

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

In urban areas there was social encouragement for women to pursue a higher education or a career. Girls had a higher high school graduation rate than boys. According to 2006 official statistics, females represented 60 percent of the medical profession, 55 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. Of the 8.7 million workers, 1.5 million were female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men. In addition, 36 percent of judges were women. Women served at all levels in the judicial system, and female police officers were added to some precincts to assist women with abuse claims.

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

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

In 2006 there were press reports of incidents involving the kidnap and rape of girls by terrorists, as well as numerous child deaths generally attributed to the GSPC. Terrorist groups did not claim responsibility for any of the incidents.

The Government provides free education for children through high school. Education is compulsory until the age of 16. According to 2007 statistics from the Ministry of National Education, 99 percent of children completed the ninth grade, compared with 98 percent in 2006. Boys and girls generally received the same education, although girls from rural areas were slightly more prone to leave school because of familial financial reasons, while sons were often given educational priority.

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

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

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

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

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although the Government did not effectively enforce these provisions in practice. The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support. The MNS provided financial support to NGOs; however, for many NGOs this financial support represented approximately 2 percent of their budgets. The MNS maintained that there were 1.5 million persons with disabilities in the country. However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country.

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

HIV/AIDS is considered a shameful disease in the country. According to March 2007 statistics released by the Ministry of Health, 2,100 citizens were HIV-positive, and 736 persons suffered from HIV/AIDS. There were 54 centers offering free services to detect HIV/AIDS. According to a 2007 survey of 30,000 families in the 48 provinces performed by the United Nations Children's Fund, only 15 percent were aware of means to protect themselves from contracting HIV/AIDS. During the year the Health Ministry and the NGO AIDS Algeria launched an HIV/AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with HIV/AIDS.

Section 6. Workers Rights

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

Unions have the right to form and join federations or confederations. Unions may also recruit members at the workplace. In practice attempts by new unions to form federations or confederations were obstructed by delaying administrative maneuvers. Since 1996 the Autonomous Unions Confederation, which functions without official status, has attempted unsuccessfully to organize the autonomous unions. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions. However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engaged in illegal activities.

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

The law provides that all public demonstrations, protests, and strikes receive prior government authorization. During the year strikes and labor meetings occurred in various sectors, including the construction, medical, port facility, and education sectors.

In January the autonomous unions mobilized thousands of middle and high school students throughout the country to protest a November 2007 salary package for education workers. The strike effectively shut down the education system for almost five days. In February the autonomous unions held two separate three-day strikes nationwide to demand better compensation for public-sector workers. During the summer contract teachers organized a 40-day hunger strike and attempted to stage a series of weekly sit-ins in front of the President's office. Unions continued to organize small-scale protests in October and November in the education, industrial, and maritime sectors.

The authorities generally tolerated strikes but continued to enforce a ban on marches and demonstrations in Algiers in effect since 2001.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining for all unions, and the Government permitted the exercise of this right, in practice, for authorized unions. According to the UGTA, 8.7 million workers are covered by collective bargaining agreements. The UGTA signed a total of 218 collective bargaining agreements between 2000 and 2007, including sector-wide collective bargaining agreements and salary agreements covering industry, public works, and services. The UGTA is the only union authorized to negotiate collective bargaining agreements.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers.

There were no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits participation by minors in dangerous, unhealthy, or harmful work or in work that is considered inappropriate because of social and religious considerations. The minimum legal age for employment is 16, except for apprentice positions. In order

to be an apprentice, minors must have the permission of a legal guardian. In 2006 the MOL stated that only 95 “young workers” were identified during site visits performed by labor inspectors at 5,847 companies. The MOL makes some surprise inspections of public sector enterprises, but it does not consistently enforce relevant statutes in the agricultural or private sectors.

In 2005 the MOL reported a rate of child participation in the labor force of 0.56 percent. That figure was challenged in 2007 by the local NGO FOREM, a children’s rights watchdog group financed by the European Union. According to FOREM, in the eight most populous provinces, 6 percent of children age 10 and younger participated in the labor force, while 63 percent of children age 13 to 16 participated. The survey found children working a variety of hours in small workshops, on family farms, and especially in informal trades and street vending. In a November 2007 press conference, FOREM representatives said there were one million children working in the country, at least half of whom were under the age of 16.

The MOL is responsible for enforcing child labor laws, but enforcement was hindered by a lack of sufficient human resources. In 2006 and 2007 FOREM implemented a public awareness campaign aimed at encouraging children to remain in school until the age of 16, rather than participating in the workforce.

e. Acceptable Conditions of Work.—The national minimum wage of 12,000 dinars (\$177) per month did not provide a decent standard of living for a worker and family. The minimum wage was established in 2006 by a tripartite social pact between business, government, and labor. MOL inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours, with one 10-minute break and one hour for lunch. Employees who worked beyond the standard workweek received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal workday, a weekend, or a holiday. In general the MOL effectively enforced labor standards, particularly in the civil service and in public sector companies; however, enforcement was less efficient in the private sector because of low union density.

The law contains well-developed occupational, health, and safety standards, but MOL inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment was usually based on detailed contracts, workers rarely were subjected to unexpected conditions in the workplace. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract or, failing that, resort to the courts; however, the high demand for employment in the country gave an advantage to employers seeking to exploit employees. Economic migrants from sub-Saharan Africa working in the country without legal immigration status were not protected by the country’s labor standards, making them vulnerable to exploitation.

BAHRAIN

Bahrain is a monarchy with a population of approximately 1,050,000, including approximately 530,000 who are citizens. King Hamad Bin Isa Al-Khalifa is the head of state and all branches of government. The King appoints a cabinet of ministers; half are members of the minority Sunni Al-Khalifa ruling family. The 2002 constitution reinstated a legislative body with one elected chamber, the Council of Deputies, and one appointed chamber, the Shura Council. All political societies participated in the 2006 parliamentary and municipal elections. Trained local observers did not report significant problems during the elections, although allegations persisted that the Government manipulated general poll center vote counts in some cases and gerrymandered political districts. Civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. The Government restricted civil liberties, including freedoms of press, speech, assembly, association, and some religious practices. Domestic violence against women and children persisted, as did discrimination on the basis of gender, religion, nationality, and sect, especially against the Shia majority population. Trafficking in persons and restrictions on the rights of expatriate workers remained problems.

On January 8, the Government passed comprehensive antitrafficking legislation that provides for significant fines and jail time for trafficking in persons. On December 23, the Government successfully prosecuted its first case under this law.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings during the year; however, in December 2007 Ali Jasem died after participating in a protest where Shia activists clashed with security forces. The official autopsy reported he died of “acute cardiovascular and respiratory collapse” after running more than two miles, but local human rights observers alleged his death was linked to inhaling tear gas used to disperse demonstrators.

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

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

On several occasions during the year, police detained dozens of young men in connection with small but frequent skirmishes between police and youths throwing rocks and Molotov cocktails. These youths routinely alleged that while in custody, security forces beat them. Security forces denied the accusations, and some opposition political activists expressed doubt about some of the allegations.

Following December 2007 protests, security forces arrested and detained dozens of protestors in the Adliya jail. Some detainees reported that judicial interrogators beat and electrocuted them in prison. One detainee, Maytham Badr al-Shaykh, alleged that interrogators sexually assaulted and electrocuted him. Officials denied the allegations of abuse. On April 6 and 9, a court-appointed medical team examined the detainees, and on April 10, the team testified that they could neither prove nor disprove the defendants’ accusations of abuse. The Government denied the allegations, and on July 13, the high criminal court sentenced 11 of the 15 defendants to between one and seven years’ imprisonment. The 11 lost their appeal on December 28.

Prison and Detention Center Conditions.—According to previous reports, prisons generally met international standards, although the Government did not permit any independent inspections. Throughout the year some detainees alleged that prison and detention facility guards physically abused them, a charge that the Government denied. Court-ordered medical examinations of those alleging abuse were inconclusive.

The quasi-governmental Supreme Council for Women (SCW) conducted the most recent visit of the country’s women’s prison in Isa Town in 2006. There was no publicly released SCW report on the visit.

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

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, although there were some allegations to the contrary.

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

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

On November 22, the MOI announced that it disciplined 23 police officers during the year for committing human rights abuses. They received prison time and/or fines. The MOI maintained a hot line for citizens to report police abuses; however, many in the Shia community believed that the MOI condoned police activities and therefore did not report allegations of abuse. In practice the MOI responded to allegations of abuse and public complaints by establishing ad hoc investigation committees. These committees did not issue public reports of their findings.

Arrest and Detention.—To apprehend felony suspects, the police must convince a judge based on evidence to issue an arrest warrant, which the police present to suspects upon arrest. Police and security forces must transfer suspects to the Public Prosecutor’s Office within 48 hours, and they generally respected that requirement in practice. Within seven days of arrest, a detainee must appear before a judge in

the Public Prosecutor's Office. If the judge decides the suspect is a flight risk or a danger to society, he may allow up to an additional 45 days of detention while the Public Prosecutor's Office conducts an investigation. This process may continue through subsequent reviews by different judges, but pretrial detention may not exceed six months. Judges may grant bail to a suspect and did so regularly.

The 2006 counterterrorism legislation allows the public prosecution to detain a terrorism suspect for a five-day period. Upon request the public prosecutor may extend this period based on the needs of the investigation for up to an additional 10 days. At the end of this period, the detainee must be transferred to the public prosecution and questioned within three days. The public prosecutor must then decide to issue a detention order or to release the detainee. The detention order may not exceed 60 days.

Detainees were generally allowed prompt access to visiting family members. Detainee access to attorneys was often restricted in the early stages of detention; attorneys must seek a court order to confer with clients. The state provided counsel to indigent detainees.

On June 5, authorities released Khalid Nour and Hussain al-Ali on bail; police arrested the two in September 2007 on charges of taking an illegal commission and held them for 48 hours without access to an attorney. At year's end, the case remained pending.

Amnesty.—On July 30, the King announced an amnesty for nearly 225 persons, including many charged for rioting. The Government required those arrested for rioting to sign a pledge not to riot again. Seventy individuals refused to sign the pledge; they were released on August 2.

On September 2, the King pardoned 136 persons convicted of crimes. Many had been detained and charged with riot-related offenses; others were common criminals.

On January 31, the amnesty for illegal immigrants that began in August 2007 ended. At the end of the amnesty, 12,897 workers had returned to their home countries, 29,804 workers had transferred to a new employer, and 13,641 had renewed their expired visas, all without paying fines.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary. In contrast to previous years, the Government generally respected judicial independence in practice. During the year the Government lost cases or had appeals result in lighter sentences than sought by prosecutors. For example, on January 16, a judge sentenced the defendants in a prominent counterterrorism case to six months' imprisonment over the objections of the public prosecutor and political leaders, who had publicly called for lengthy prison terms. Some nongovernmental organizations (NGOs) alleged that many resident alien judges were susceptible to pressure from the Government, a charge the Government denied. There were also allegations of corruption in the judicial system; however, those alleging corruption provided no evidence. The constitution provides that the King appoint all judges by royal decree. The King also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the public prosecution.

The legal system is based on a mix of British civil law, common law, Shari'a (Islamic law), and traditional laws. The judiciary is comprised of civil law courts and Shari'a courts.

The civil law courts adjudicate all civil and commercial cases, criminal cases, and personal status cases among non-Muslims. The courts of minor cases (the lower courts and the Court of Execution) have one judge, while the high courts have three judges with jurisdiction over felonies, personal status cases, and appeals.

The Shari'a courts have jurisdiction over personal status cases involving citizen and noncitizen Muslims. There are separate courts for Sunni and Shia Muslims, each of which has three levels: the Shari'a court, the High Shari'a Court, and the High Shari'a Court of Appeal. The High Shari'a Court of Appeal is composed of a minimum of two judges. In the event of a disagreement, the Ministry of Justice and Islamic Affairs (MOJIA) provides a third judge, and the decision is based on a majority vote. There are 13 judges in the Sunni Maliki Shari'a courts and 14 judges in the Shi'a Ja'afari Shari'a courts.

The Constitutional Court provides final and binding ruling on the constitutionality of laws and statutes. The court's membership consists of a President and six members, all appointed by the King to nine-year terms that may not be abridged.

The BDF maintains a separate court system that tries only military personnel accused of offenses under the Military Code of Justice. The MOI has a similar system for trying police officials. There were no reports of either court considering cases involving civilian, common criminal, or security cases during the year.

Trial Procedures.—According to the constitution, defendants are presumed innocent until proven guilty. Civil and criminal trial procedures provided for an open trial. Juries are not used. By law and in practice, defendants have the right to prompt consultation with an attorney of their choice within 48 hours, and the Government provided counsel to indigent defendants. Defendants are present during trial proceedings, and they have the right to present witnesses and evidence on their behalf and question witnesses against them. No law governs defendants' access to government-held evidence, and the Government often reviewed evidence prior to defendants' access to it. Women's legal rights varied according to Shia or Sunni interpretations of Islamic law.

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

Civil Judicial Procedures and Remedies.—Citizens may bring civil suits before the court seeking cessation of or damages for human rights violations; however, the Government maintained that the 2001 general amnesty granted immunity for alleged human rights violations committed prior to 2001.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution provides for personal freedom and freedom from arbitrary interference with privacy, home, and correspondence except under the provisions of the law and under judicial supervision. The Government is required to obtain a court order before monitoring telephone calls, e-mail, and personal correspondence. Many Shia believed police informer networks were extensive and sophisticated but were unable to provide concrete evidence.

Section 2. Respect for Civil Liberties, Including:

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

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

The Government did not own any print media, but the Ministry of Information (MOINFO) exercised considerable control over local, privately owned print media. The Government owned and operated all local radio and television stations and vetted the selection of the country's Al-Jazeera correspondent. Radio and television broadcasts in Arabic, Farsi, and English from countries in the region, including by satellite, were received without interference.

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

Government censorship took place. MOINFO representatives actively monitored and blocked local stories on sensitive matters, especially those related to sectarianism or national security or criticism of the royal family, the Saudi royal family, and judges. Journalists also practiced widespread self-censorship. According to some members of the press, government officials contacted editors directly and asked them to stop writing about certain subjects or asked them not to publish a press release or a story. There were reports that the Government paid journalists to represent the 2006 parliamentary elections favorably. In addition the Press and Publications Directorate at the MOINFO reviewed all books and publications prior to issuing printing licenses.

A 2006 High Criminal Court injunction against the publication of any news, commentary, or other information, including on the Internet, about a report on election manipulation written by Salah al-Bandar remained in effect at year's end.

The Government did not pursue a May 2007 libel complaint against Isa al-Shaiji for articles that allegedly criticized Egyptian Islamic Brotherhood preacher Wagdy Ghunaim's views.

In November 2007 the Government began granting licenses previously denied for publication of several books pertaining to Islamic history, modern history of the country, and democracy. At year's end four books were still denied publication.

Internet Freedom.—The Government restricted use of the Internet. The Government was a major shareholder in the Bahrain Telecommunications Company (Batelco), the country's principal telecommunications company, which prohibited user access to Internet sites considered antigovernment or anti-Islamic. Unlike in previous years, e-mail use reportedly was not monitored. The Government continued to invoke the press code to justify the questioning of some journalists and bloggers. By law Web site administrators face the same libel laws that apply to print journalists, and Web masters are held jointly responsible for all content posted on their Web sites or chat rooms.

Most residents had access to the Internet in the home, workplace, or Internet cafes. The number of Internet users increased by 25 percent in 2007, and at year's end there were approximately 86,000 Internet subscribers.

The Government regularly monitored and attempted to block local access to numerous Web sites, including local blogs and chat sites, human rights Web sites, sites containing information about Arab Christians, and the Wa'ad political society's Web site. Public discussion of blocked Web sites was widespread. Many users were able to access blocked sites through alternate servers.

On June 22, the prime minister ordered the creation of a committee to monitor Web sites to combat sectarianism and promote national unity and the country's Arab identity. On June 23, the committee, headed by the MOI with MOINFO and MOJIA representatives, ordered three Web sites, two Sunni and one Shia, blocked pending government registration and removal of all sectarian material. The two Sunni sites removed sectarian material and applied for registration, and the Government removed the blocks the following day. By year's end the Shia Web site, Awaal.net, had not complied and remained blocked.

On June 28, the Government detained six Shia opposition political society members for publishing material on the Internet and in a newsletter that incited "hatred against the Government" and sectarianism. Authorities released them after 20 hours. On July 2, the case was suspended in exchange for their promise to post no more inflammatory content.

Academic Freedom and Cultural Events.—The constitution provides for academic freedom.

There were no government restrictions on academic freedom or cultural events during the year. However, some academics self-censored, avoiding contentious political issues.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of free assembly, but the law restricts the exercise of this right, and security forces intervened in some demonstrations during the year. Organizers must submit requests for public gatherings or demonstrations to the MOI at least 72 hours in advance. Three citizens from the proposed demonstration area must sign the application. If there is no response to the request, the gathering may proceed. The law prohibits public gatherings near hospitals, airports, commercial centers, designated security-related facilities, or funeral processions, as well as gatherings between 11 p.m. and 7 a.m., unless the chief of public security or his deputy permits such in writing. The law states that funeral processions may not be turned into political rallies and that security officials may be present at any public gathering. The head of public security must notify the organizers about any official changes to the request (such as location, time, or route) at least 48 hours prior to the event. Organizers of an unauthorized gathering face prison sentences of three to six months.

The Government specifically limited and controlled political gatherings. The law regulates election campaigns and prohibits political activities at worship centers, universities, schools, government buildings, and public institutions. Unlike in previous years, there were no reports that the MOI told mosque leaders and owners of ma'tams (Shia religious community centers) to close their doors to prevent meetings from occurring; however, the Government did not allow ma'tams or other religious sites to be used for political gatherings without permission.

On May 15, the Amal political society used a ma'tam for internal party elections. On May 18, the MOJIA charged Amal with violating the law and attempted to have its financial aid suspended for 90 days. Amal appealed, and on October 27, the MOJIA announced it had dropped the case.

Government security forces intervened in some demonstrations during the year. Antigovernment demonstrations occurred in numerous Shia villages around the country on an almost weekly basis during the year. Bands of Shia youth, allegedly

instigated by members of the unregistered Haq movement, regularly appeared at the end of both registered and unregistered demonstrations where, according to Shia community members and MOI officials, they burned tires and trash and threw Molotov cocktails and stones at riot police.

The police often dispersed demonstrations with tear gas. Local human rights NGOs alleged that riot police used tear gas against peaceful demonstrators; however, the MOI countered that it used tear gas in response to attacks by demonstrators. Numerous organizations, including Al Wifaq National Islamic Society, the Bahrain Human Rights Society (BHRS), and the officially disbanded Bahrain Center for Human Rights (BCHR), alleged that MOI forces used rubber bullets to break up demonstrations. Senior MOI officials said the police used only less dangerous rubber baton rounds.

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

The Government required all groups to register: civil society groups with the Ministry of Social Development (MOSD), political societies with the MOJIA, and labor unions with the Ministry of Labor (MOL). The Government decided whether the group was social or political in nature based on its proposed bylaws. The law prohibits any activity by an unlicensed society and any political activity by a licensed civil society group.

To apply for registration, a political society must submit its bylaws signed by all founding members, a list of all members and copies of their residency cards, and a financial statement identifying the society's sources of funding and bank information. The society's principles, goals, and programs must not run counter to either Shari'a law or the national interest as interpreted by the judiciary, and it may not be based on sectarian, geographic, or class identity.

A civil society organization applying for registration must submit its bylaws signed by all founding members and minutes of meetings of the founding committee stating names of founding members, their professions, their place of residence, and containing their signatures. The law provides the MOSD the right to reject the registration of any civil society if it finds the society's services unnecessary, already provided by another society, contrary to state security, or aimed at reviving a previously dissolved society. Associations whose applications are rejected or ignored may appeal to the High Civil Court, which may annul the MOSD's decision or refuse the complaint.

The MOSD continued to deny the National Committee for the Unemployed to register as a civil society group because of the political nature of its activities and the Bahrain Youth Human Rights Society (BYHRS), likely because some of its members were under 18 years of age and because of its ties to the dissolved BCHR. On November 6, the MOJIA filed legal proceedings against the BYHRS President that superseded the November 2007 MOSD case. At year's end the case was pending.

On August 12, the MOSD appointed Fakhria Dairi chairwoman of the Bahrain Nurses Society (BNS) after the BNS failed to hold regular elections in conformance with its bylaws. The BNS subsequently held an election on August 24, which the ministry determined was illegal because the board failed to notify the MOSD in advance. BNS supporters alleged that the ministry enforced the law as punishment for a BNS threat to strike at the largest public hospital.

c. Freedom of Religion.—The constitution states that Islam is the official religion and that Shari'a is a principal source for legislation. The constitution provides for freedom of conscience, the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings, in accordance with the customs and laws of the country; however, the Government placed some limitations on the exercise of this right. The law requires all religious groups to obtain a permit from the MOJIA to operate and hold religious meetings. Depending on a group's activities, it may also need approvals from the MOSD, the MOINFO, and/or the Ministry of Education. The constitution prohibits speech considered blasphemous or anti-Islamic.

The Baha'i congregation, repeatedly denied registration in previous years, continued to gather and worship freely without government interference. Numerous Christian churches operated freely, although several could not successfully register. Most of these cases related to zoning concerns and neighbors' complaints about parking near houses used as unregistered churches. Other religious minorities, including Sikhs and Hindus, practiced freely. Immigrants and noncitizens faced no government restrictions on religious observance.

The Government funded and closely controlled all official religious institutions, including Shia and Sunni mosques, Shia ma'tams, Shia and Sunni waqfs (religious endowments), and the religious courts, and it may withhold funding to punish particular individuals or places of worship, although reports of this were not common. New mosques were dependent upon the Government's nontransparent land allocation process, and allocation reportedly was not proportionate to the Shia community's relative population in the country. At year's end the MOJIA had not approved an application for a Shia ma'tam that was close to the community in Hamad Town, leading individuals in the community to convert parts of their homes into ma'tams. Islamic studies are mandatory for all public school students.

The law prohibits proselytizing by non-Muslims; however, bookstores owned by Bahrainis, other Arabs, and other expats openly sold and displayed religious materials, including Christian Bibles, without fear of government intervention or reprisal.

The Government scrutinized carefully those who chose to pursue religious study in Iran.

Societal Abuses and Discrimination.—Government and societal discrimination against the majority Shia population remained a problem. Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service, and the defense and internal security forces were predominantly Sunni. Unlike in previous years, there were no reports of religious discrimination in university faculty employment. Although Shia citizens held posts in the security forces, with few exceptions positions were not high ranking. During the year the Ministry of Defense did not recruit Shia for military service; however, the MOI made increasing efforts to recruit Shia into unarmed security agencies such as traffic and community police. In the private sector, Shia tended to work in lower-paid, less-skilled jobs. Educational, social, and municipal services in most Shia neighborhoods were inferior to those found in Sunni communities.

The Jewish community had approximately 36 members, one of whom served in the Shura Council until the King appointed her ambassador to the United States on April 22. Some anti-Jewish political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict, without government response. Although the one synagogue was not open due to the small size of the Jewish community in the country, Jews practiced their faith privately without interference from the Government.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The law provides that the Government may reject applications to obtain or renew passports for "reasonable cause," but the applicant has the right to appeal such decisions before the High Civil Court. In practice authorities relied on determinations of national security when adjudicating passport applications.

The constitution prohibits forced exile, and there were no reports of forced exile or return from exile during the year. Some political oppositionists who refused the 2001 amnesty remained in self-imposed exile.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there is no system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Stateless Persons.—Citizenship is derived from one's parents. By law foreign women who marry citizens are eligible for citizenship after five years of marriage; however, foreign men who marry citizens are not entitled to citizenship, and neither are their children. The Bahrain Women's Society (BWS) reported that there were 128 stateless children in the country. In 2006 King Hamad issued a royal decree granting citizenship to at least 372 children of citizen mothers and noncitizen fathers. However, this action did not change the law, so children born after the decree continued to face statelessness.

The law clearly defines naturalization requirements, but adjudication of naturalization applications was not transparent. Opposition groups claimed that the Government regularly ignored naturalization rules to manipulate demographics for

voting purposes and to maintain Sunni domination of the police and defense forces. According to these opposition groups, the Government was more lenient with naturalization requests from expatriates in the security forces, while Shia and other applicants experienced delays in the processing of their cases. The Government occasionally granted citizenship to Sunni residents from neighboring countries. The Government stated that some Saudis who had received citizenship were the grandchildren of Bahraini citizens who had immigrated to Saudi Arabia and had a legal right to citizenship. The Ministry of Interior reported that it has naturalized 7,012 persons, including formerly stateless children, since 2003.

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

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

The bicameral National Assembly consists of the 40-member popularly elected Council of Deputies and the 40-member appointed Shura (Consultative) Council. Members of either house may propose legislation, but the Office of Legal Affairs, a quasi-independent body linked to the MOJIA, drafts the actual text of bills. The King may veto bills passed by the National Assembly, which in turn may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the King must promulgate the bill into law within one month. Since the reopening of parliament in 2002, the King has not vetoed any legislation, and the Government has not submitted any bill to parliament that a member of either council proposed.

The King may dissolve the Council of Deputies at his discretion. He retains the power to amend the constitution and to propose, ratify, and promulgate laws. Either council may question government ministers, and the Council of Deputies may require a minister's resignation with a two-thirds majority vote of no confidence. The Council of Deputies may introduce a resolution indicating it cannot cooperate with the prime minister, in which case the joint National Assembly would have the option to pass the resolution by a two-thirds majority, requiring the King to either dismiss the prime minister or dissolve the Council of Deputies. The situation of a no-confidence vote has never arisen.

Elections and Political Participation.—All registered political societies, including the four that boycotted the 2002 elections, participated in the 2006 Council of Deputies elections. Although no international observers participated, the Government permitted nine local civil society groups, including the Bahrain Human Rights Watch Society (BHRWS) and the Bahrain Society for Public Freedoms, access to poll stations to observe voting. The Bahrain Transparency Society and the BHRS joined efforts to form the Election Monitoring Joint Committee (EMJC) and trained more than 200 local observers. The Government asked a foreign organization involved in political party training and election observation to leave the country during the campaign process and elections.

In its February 2007 report, the EMJC stated there were no widespread attempts to influence the outcome of the elections, although it noted that candidates did not cease campaign activities 24 hours prior to the polls as required by law. Official polling station observers did not report significant problems during the voting process, although there were allegations that in some cases the Government may have manipulated general poll center vote counts against opposition candidates in close races. The opposition also alleged that the Government gerrymandered the districts to protect Sunni interests.

The Government did not allow the formation of political parties, but 15 political societies, which received some government funding and operated like political parties, chose candidates for parliamentary and municipal elections, campaigned for political office, developed political platforms, held internal elections, and hosted political gatherings. Political societies were highly critical of provisions in the law requiring them to notify the MOJIA before contacting political groups abroad.

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

There were 10 women in the Shura Council and one in the Council of Deputies. Two women served as cabinet ministers, three women sat as judges in the criminal courts, and one was a judge in the constitutional court.

Shia and Sunni citizens have equal rights before the law; however, Sunnis dominated political life even though Shia comprised the majority of the citizen population. Twenty Shura Council members were Shia Muslims, 19 were Sunni, and one

was Christian. Four of the 23 cabinet ministers were Shia, including a deputy prime minister.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and some officials reportedly engaged in corrupt practices with impunity. Significant areas of government activity continued to lack transparency. The annual National Audit Bureau report released on November 7 analyzed the accounts of state-owned entities and alleged that oil revenue of more than 232 million dinars (\$615 million) was unaccounted for.

On February 25, the Lower Criminal Court found an officer and a manager of the parastatal ship-building company Arab Shipbuilding and Repair Yard guilty of embezzlement and misuse of company charge cards and sentenced them to one year's imprisonment, suspended, and three years' imprisonment, respectively. The Government increased official supervision of the company by appointing the director of customs as chairman of the yard's board.

On November 16, the Lower Criminal Court sentenced the manager of a cleaning company to three years' imprisonment and a 5,000 dinar (\$13,250) fine for attempting to bribe the new minister of municipalities. His lawyer immediately appealed the case, and the appeal remained pending at year's end.

In June 2007 the Ministry of Industry and Commerce filed a complaint with the public prosecution accusing nine employees of embezzlement. A few days later authorities arrested the individuals. The court released the nine on bail, and the case remained pending at year's end.

The law does not provide citizens access to government-held information or require government officials to provide financial disclosures.

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

Restrictions on freedom of association and expression hindered investigation or public criticism of the Government's human rights policies; however, local and international NGOs published reports on human rights during the year. There were three major human rights groups that reported on issues of concern: the independent BHRS, which was widely viewed as allied with the socialist legacy party Wa'ad; the BHRWS, which considered itself independent, although some leaders were also members of the appointed Shura Council and its former President was appointed in April as an ambassador; and former members of the dissolved BCHR, which often coordinated its activities with the unregistered oppositionist Haq movement.

In recent years the Government has allowed increased interaction between local civil society groups and international human rights organizations. During the year citizen members of Amnesty International, who have not registered as an NGO with the MOSD, carried out several activities without interference by the Government.

On January 24, the Public Prosecution authorized the BHRS to visit some detainees from the December 2007 riots, as long as physicians did not accompany the BHRS. On January 26, the public prosecutor withdrew permission when the BHRS insisted that physicians accompany the inspection team.

On April 27, the Government submitted its report as part of the UN's periodical review of human rights. Some human rights NGOs, including the BHRS, BHRWS, Bahrain Transparency, and members of the disbanded BCHR, alleged that the Government did not inform them of the deadline for submission of concurrent reports. The NGOs attended the review and submitted their own reports.

Although the law prohibits foreign NGOs from registering with the Government, the Government generally did not interfere with their activities provided it did not perceive these activities as interfering in the political system. In previous years the Government provided written warning to foreign NGOs it believed had interfered in internal political matters. In 2006 the Government declined to renew the residence permit of an NGO chief who had become the focus of controversy, with the result that the NGO's local office closed. The NGO resumed operations in 2007 from a regional hub office located outside the country, and in partnership with a local NGO.

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

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

Women.—Rape is illegal; however, the law does not address spousal rape. The press reported cases of men arrested for the crime, including a few cases in which

fathers of rape victims sought lighter sentences for perpetrators. There was no information on the number of rape and sexual assault cases brought to the public prosecutor or any resulting convictions.

No government policies or laws explicitly addressed domestic violence against women. Spousal abuse of women was widespread, particularly in poorer communities. Women rarely sought legal redress for violence, and there was little public attention devoted to the problem. The Batelco Care Center for Family Violence continued to offer free medical, psychological, legal, and social assistance to victims of violence, primarily women and children, and it operated an abuse hot line that recorded 728 cases involving domestic abuse during the year.

Prostitution is illegal, but it occurred. Most prostitutes were expatriate women, and some were victims of trafficking. Customers were primarily expatriates.

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

Women faced discrimination under the law. Women have the right to initiate a divorce; however, religious courts may refuse the request. In divorce cases the courts routinely granted mothers custody of daughters under age nine and sons under age seven. Custody usually reverted to the father once the children reached those ages. Regardless of custody decisions, the father retained guardianship, or the right to make all legal decisions for the child, until the child reached the age of 21. A noncitizen woman automatically loses custody of her children if she divorces their citizen father without just cause. A Muslim woman can legally marry a non-Muslim man if the man converts to Islam.

Women may own and inherit property and represent themselves in all public and legal matters. In the absence of a direct male heir, Shia women may inherit all property; however, Sunni women without a direct male heir inherit only a portion as governed by Shari'a, while the brothers or male relatives of the deceased divide the balance. In practice better-educated families used wills and other legal maneuvers to mitigate the negative effects of these rules.

Labor laws prohibit discrimination against women; however, discrimination against women was systemic in the country, especially in the workplace. The influence of religious traditionalists sometimes hampered women's rights. According to the Central Bank, women constituted 16 percent of the private sector workforce and 46 percent of the Government workforce in 2007.

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

According to the BWS, child abuse was common. The BWS "Be Free" Campaign, which has sponsored a Web site for victims of child abuse since 2002, reported that during the year it received between 300 and 400 e-mails per month from persons reporting to have been victims of child abuse.

Trafficking in Persons.—On January 8, the Government enacted a comprehensive law that prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was a destination for persons trafficked from Southeast Asia, South Asia, the Horn of Africa, and the former Soviet Union. Reports also indicated that the country was a transit point for workers from these regions to Europe. Some victims were trafficked for commercial sexual exploitation, but victims were most commonly trafficked for unskilled construction and domestic labor.

According to the Migrant Workers Protection Society (MWPS), the principal traffickers were illegitimate recruiting companies in source countries. Traffickers used debt bondage, contract substitution, and threats of legal action against their victims. The MWPS reported that victims often recruited additional victims from their home regions in an attempt to pay off debt.

Under the January 8 antitrafficking law, traffickers face fines of between 2,000 and 10,000 dinars (\$5,300 and \$26,500) and mandatory prison sentences of up to 10 years for each offense, and anyone who trafficks a person on behalf of a corporation faces a fine of up to 100,000 dinars (\$265,000) and the same mandatory prison sentences. "Aggravating circumstances," including if the victim is a woman or less than 15 years of age, double the fines and prison sentences.

On December 23, the Government found Arfa Ching guilty of trafficking in persons and sentenced her to three and a half years' imprisonment and a 5,000 dinar (\$13,250) fine.

The Government established a 10-person unit within the MOI's Criminal Investigation Directorate to combat trafficking in persons. The Ministry of Foreign Affairs

(MOFA) headed a committee that set trafficking policy and included representatives from the Ministries of Interior, Justice, Information, and Social Development, as well as the Labor Market Regulatory Authority (LMRA) and three NGOs. The MOSD headed another committee charged with evaluating and determining the status of victims, which included representatives from the MOFA, MOI, and the LMRA.

Fear of deportation or employer retaliation deterred many foreign workers from making complaints to the authorities. Many foreign workers were unaware of their rights under the law. The Government published pamphlets on expatriate workers' rights in several languages, provided manuals on these rights to local diplomatic missions, and operated a telephone hot line for victims.

On July 1, the LMRA implemented new visa rules for migrant workers in the public and private sectors to reduce the incidence of employers holding workers' passports or otherwise restricting their movement. The new rules also targeted the illegal practice known as "free visas," whereby a sponsor enabled a laborer to enter the country under the cover of working for the sponsor and then allowed the worker to find other work, at an often exorbitant fee payable to the sponsor.

During the year the Government shelter for abused and migrant women housed women who ran away from employers. The Government also collaborated with a foreign NGO to help train its antitrafficking unit and personnel at its shelter for female migrant workers.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law protects the rights of persons with disabilities, and a variety of governmental, quasi-governmental, and religious institutions are mandated to support and protect persons with disabilities. New public buildings in the central municipality must include facilities for persons with disabilities. The law does not mandate access to nonresidential buildings for persons with disabilities.

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

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

National/Racial/Ethnic Minorities.—The law grants citizenship to Arab applicants who have resided in the country for 15 years and non-Arab applicants who have resided in the country for 25 years. However, there was a lack of transparency in the naturalization process, and there were reports that the citizenship law was not applied uniformly. For example, there were allegations that the Government allowed expatriate Sunni Arabs who had served less than 15 years in the security services to apply for citizenship. There were also reports of Arab Shia who had resided in-country for more than 15 years and non-Arab expatriates who had resided more than 25 years who had not been granted citizenship.

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

Other Societal Abuses and Discrimination.—The law does not criminalize homosexual relationships between consenting adults of at least 21 years of age.

While discrimination against homosexuality and HIV/AIDS was not common or apparent, both attributes were socially taboo and not widely covered in the media.

Section 6. Worker Rights

a. The Right of Association.—The law grants workers, including noncitizens, a limited right to form and join unions. Members of the military are prohibited from joining unions. Public sector workers may join private trade unions and professional societies, but public sector unions are illegal. The General Federation of Bahrain Trade Unions (GFBTU), which all unions were required to join, recognized seven public sector unions that the Government considered illegitimate. Approximately 28 percent of the private-sector labor force was unionized. The GFBTU did not report any government interference in its private sector activities, and the law restricted the right to strike.

The law allows for the establishment of additional federations; however, there were none. The law prohibits unions from engaging in political activities.

The law holds the right to strike is a legitimate means for workers to defend their rights and interests; however, this right was restricted. The law prohibits strikes in certain vital sectors, which, by decree, include the oil, gas, education, telecommunication, and health sectors, as well as pharmacies and bakeries. For workers permitted to strike, the law requires arbitration before a vote to strike and a two-week notification that a union intends to strike. Although government sources held that the arbitration provision did not preempt the right to strike, the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision.

In July 2007 Batelco fired two trade-union organizers, including the union's vice President, for engaging in a work stoppage that it deemed in violation of the ban on such action in the telecommunications sector, even though the union did not call for or attempt a strike. On March 12, Batelco reinstated the employees in compliance with a court order.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Employers and the Government are required to treat unions as independent judicial entities. Unions did not generally practice collective bargaining. In the private sector, the law prohibits antiunion discrimination and employer interference in union functions, and the Government generally protected this right. The law also provides protection to workers terminated for their union activities.

On July 23, employees of the public bus company Cars went on strike to demand higher wages. At the behest of the Government and GFBTU, the workers successfully employed collective bargaining and achieved a salary increase. Although strikes in the transportation sector are prohibited, the Government did not enforce the prohibition.

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

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

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

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

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

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

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

e. Acceptable Conditions of Work.—There is no national minimum wage. Unskilled foreign laborers in particular did not earn as much as the guidelines suggested. The

law allows employers to consider benefits for foreign workers such as annual trips home, housing, and education bonuses as part of the salary.

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

Workplace safety standards are adequate, but inspection and compliance were substandard. The MOL set occupational safety and health standards and sporadically enforced them by performing workplace inspections. The ministry employed a team of eight engineers from multiple specialties that it trained as safety inspectors and gave the authority to levy fines and close work sites if employers did not improve conditions by specified deadlines. During the year the press reported several workplace deaths owing to a combination of inadequate safety procedures, worker ignorance of those procedures, and inadequate safety standards for equipment, but exact figures were not available. Trained inspectors visited labor camps to verify if workers' accommodations met required safety and hygiene standards. During the year, inspectors visited 1,287 labor camps, of which 106 failed the inspection because of safety issues such as gas and electricity problems, overcrowding, poor hygiene, and the general state of disrepair. Inspectors cited poor hygiene in warnings issued to 126 camps, as well as part of their rationale for the closure of 23 camps. The inspectors were authorized to inspect only premises that had a commercial registration, not private homes, where most domestic workers resided and worked, or unregistered "private" camps, where many unskilled laborers lived.

Reports of employers and recruiting agencies beating or sexually abusing foreign women working in domestic positions were common. Numerous cases were reported to local embassies, the press, and the police; however, most victims were too intimidated to sue their employers, although they had the right to do so. If the victim brings a suit against the employer, the plaintiff cannot leave the country for the duration of the case. The MWPS continued to support several victims who took their cases to court, but compensation to victims was reportedly very low.

When a worker lodges a complaint, the MOL opens an investigation and often takes remedial action. The MOL reportedly received 3,426 complaints during the year, including those from domestic workers. On average there were nine complaints from domestic workers per month. Ministry officials said that they were able to resolve more than half of these cases through mediation in the ministry. The public prosecutor took up the remaining cases for investigation. Complaints brought before the MOL that cannot be settled through arbitration must be referred to the court within 15 days.

A few companies still transported expatriate workers in open trucks on benches, despite a ministerial decree banning the practice. Accidents, sometimes fatal, resulted. On April 13, the cabinet approved a decree instructing all companies to transport workers in buses, prohibiting even covered trucks, by the end of the year.

A ministerial decree prohibits outdoor work between the hours of noon and 4 p.m. during the months of July and August. As a result, health officials reported a decrease in the number of heatstroke cases from 1,154 cases in 2007 to 981. According to the MOL, it fined 26 companies between 50 to 300 dinars (\$132 to \$792) per worker for allegedly violating the ban during the year, an increase from 21 in 2007.

EGYPT

The National Democratic Party (NDP) has governed the Arab Republic of Egypt, which has a population of approximately 82 million, since the party's establishment in 1978. The NDP, which continued to dominate national politics by maintaining an overriding majority in the popularly elected People's Assembly (PA) and the partially elected Shura (Consultative) Council, derives its governing authority from the 1971 constitution and subsequent amendments. Executive authority resides with the President and the cabinet. In 2005 President Hosni Mubarak won a fifth consecutive six-year term with 88 percent of the vote in the country's first Presidential election, which was marred by low voter turnout and charges of fraud. The civilian authori-

ties did not always maintain effective control of security forces, who committed numerous, serious abuses of human rights.

The Government's respect for human rights remained poor, and serious abuses continued in many areas. The Government limited citizens' right to change their government and continued a state of emergency that has been in place almost continuously since 1967. Security forces used unwarranted lethal force and tortured and abused prisoners and detainees, in most cases with impunity. Prison and detention center conditions were poor. Security forces arbitrarily arrested and detained individuals, in some cases for political purposes, and kept them in prolonged pretrial detention. The executive branch placed limits on and pressured the judiciary. The Government's respect for freedoms of press, association, and religion declined during the year, and the Government continued to restrict other civil liberties, particularly freedom of speech, including Internet freedom, and freedom of assembly, including restrictions on nongovernmental organizations (NGOs). Government corruption and lack of transparency persisted.

The Government made significant and effective efforts to combat female genital mutilation (FGM). These efforts included education, outreach, and the passage and enforcement of legislation criminalizing FGM. In addition, courts issued the first two convictions on sexual assault charges.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government did not commit any politically motivated killings; however, security forces committed arbitrary or unlawful killings during the year. Most killings resulted from police brutality. Although the exact number of deaths was unknown, the Al-Nadim Center for Psychological Rehabilitation of the Victims of Torture documented 32 cases of police officers torturing victims to death in a nine-month period from June 2007 to March. Security forces also unlawfully killed refugees and asylum-seekers (*See* Section 2.d.).

On February 26, police officer Saad Mohamed Mansour reportedly beat and drowned fisherman Ahmed Fayad in Al Manzala Lake. On October 24, Al Mansoura Criminal Court sentenced Mansour to three years in prison and fined him LE 10,000 (approximately \$1,800).

On March 24, police officers in Tanta killed Eid Ahmed Ibrahim by driving a police van over the victim, who was trying to prevent the arrest of his brother. An estimated 2,000 villagers protested, accusing the police of deliberately killing Ibrahim. On November 15, Tanta Misdemeanor Court sentenced police officers Mohamed Sadaawi and Ahmed Abdel Aal to three years in prison, ordering each to pay LE 10,000 (\$1,800 compensation). The verdict is subject to appeal.

On October 9, a police officer in the town of Samalut allegedly killed a pregnant woman, Mervat Abdel Salam Abdel Fattah, while searching for her brother-in-law on suspicion of theft. The case remained pending at year's end.

On November 23, a police officer in Aswan, Mohamed Labib, allegedly shot and killed Abdel Wahab Abdel Razeq after apparently entering the wrong apartment in pursuit of a drug dealer. During the demonstrations that followed the killing, an elderly Aswan resident, Yehia Abdel Hamid, died from inhaling tear gas that the police had released. On November 25, the Government detained police officer Mohammed Labib for his suspected role in the killing.

Security forces used lethal force against protesters in other instances. On April 6 and 7, security forces killed four protesters during violent clashes between police and protestors in Mahalla el Kubra, a textile town in the Nile Delta. Police used live ammunition, rubber bullets, and tear gas to suppress protests against low wages and price hikes on basic goods. Among those killed was 15-year-old Ahmed Ali Mabrouk Hamada, whom police shot on April 6 in his family's apartment near Mahalla's Jumhuriya Square. At year's end the Government had not taken any corrective action to prosecute the police officers responsible.

Also, on November 11, Civilian Security Forces (CSF) killed three Bedouin tribesmen in the North Sinai during demonstrations that followed the November 10 CSF killing of a suspected drug smuggler. The Government did not take public action to investigate these killings.

Authorities did not investigate the June 2007 killing of Ahmed Abdel Salam Ghanem during the Shura Council elections or any of at least three killings in 2007 of refugees or asylum-seekers at the Israeli border.

On June 7, an appeals court upheld the seven-year prison sentence and fine against police officer Mohamed Moawad for the July 2007 killing of Nasser El Saeedi.

On April 21, Public Prosecutor Mahmoud Abdel Meguid ordered a reinvestigation into the case of 13-year-old Mohamed Mamdouh Abdel Aziz, who allegedly died after chief of investigations Captain Mohamed Qandil, police officer Abou el-Ezz Fathy Mansour, and detective Yasser Mekawy tortured him with electric shocks in August 2007. At year's end there were no further developments in the case.

At year's end the trial of police officers Maher Hussein, Hassan Mohammed Hassan and Ahmed Al Nawawy for torturing Nasser Sediq Gadallah to death in August 2007 was ongoing.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Article 42 of the constitution prohibits the infliction of “physical or moral harm” upon persons who have been arrested or detained; however, the law fails to account for mental or psychological abuse, abuse against persons who have not been formally accused, or abuse occurring for reasons other than securing a confession. Police, security personnel, and prison guards routinely tortured and abused prisoners and detainees, especially in cases of detentions under the Emergency Law, which authorizes incommunicado detention for prolonged periods. The Government rarely held security officials accountable, and officials often operated with impunity.

Domestic and international human rights groups reported that the State Security Investigative Service (SSIS), police, and other government entities continued to employ torture to extract information or force confessions. On August 6, the Egyptian Organization for Human Rights (EOHR) documented 40 cases of torture and 14 cases of torture resulting in death in 2007 by police officers. Between 2000 and 2007, the EOHR documented more than 226 cases of torture inside police stations, including 93 deaths likely caused by torture and mistreatment. In numerous trials, defendants alleged that police tortured them during questioning. Human rights activists also continued to call attention to more than a dozen amateur videos that observers with mobile phone cameras circulated on the Internet documenting abuse of citizens by security officials.

Although the Government investigated torture complaints in some criminal cases and punished some offending police officers, punishments generally did not conform to the seriousness of the offenses. On April 17, Assistant Interior Minister Hamdy Abdel Kerim publicly stated that of 18 torture cases brought against police officers in the previous year, there were 11 acquittals, two convictions, and five cases pending investigation. The courts continued to award compensation to hundreds of detainees for alleged torture by security forces; however, by year's end many had not received any compensation. On December 28, the official government-run news service reported that Deputy Interior Minister for Legal Affairs Hamid Rashid told the People's Assembly (PA) that the ministry had suspended 280 police officers from duty due to charges of human rights violations against them, and was investigating the charges. Rashid did not specify over what time period the MOI actions occurred. Rashid also told the PA that the ministry had discharged 1,164 lower-ranking policemen for misconduct and abuse of power.

Some victims sought justice outside of the country. In November the African Commission on Human Rights and Peoples' Rights (ACHPR) decided in favor of an NGO, the Egyptian Initiative for Personal Rights (EIPR), in its lawsuit against the Government for failure to prosecute perpetrators who allegedly sexually assaulted women during a 2005 opposition rally.

Police and the SSIS reportedly employed torture methods such as stripping and blindfolding victims; suspending victims by the wrists and ankles in contorted positions or from a ceiling or door-frame with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electric shocks; dousing victims with cold water; and sexual abuse, including sodomy. Victims reported that security officials threatened them and forced them to sign statements for use against themselves or their families should they in the future lodge complaints about the torture. Some victims, including women and children, reported that security officials sexually assaulted or threatened to rape them or their family members. Human rights groups reported that the lack of legally required written police records often effectively blocked investigations.

During the year human rights groups and the media documented numerous cases of torture and cruel, inhuman, or degrading treatment, including against persons alleged to have HIV/AIDS, lawyers attempting to defend their clients, journalists and bloggers who reported on torture or other controversial topics, and labor demonstrators.

Following the April 6–7 violent clashes between police and protestors in El-Mahalla El-Kubra, police reportedly tortured people who observed the clashes or

supported the Mahalla strike. According to Human Rights Watch, officers reportedly subjected detainees to electric shocks, beatings, and denial of food and drink.

On April 30, police officer Ahmed Antar Ibrahim assaulted Al Nadim Center director and anti-torture activist Dr. Magda Adly and her colleague Dr. Mona Hamed inside a courthouse in Kafr Al Dawwar. During the assault, the police officer fractured Adly's shoulder and inflicted a head wound that caused her to lose consciousness for 30 minutes. The two doctors were at the courthouse to attend and testify in a case concerning the Hussein family, who alleged torture by local police. Sobhi Mohamed Hussein and his sons, Ahmed and Mohamed, reported that police detained, burned, and beat them in Kafr Al Dawwar police station on April 22 after they complained about a police raid at their home. Hussein's sons sustained multiple injuries, including internal bleeding and a broken hand. Following the attack on Adly, police officer Ibrahim confessed that police intelligence officer Ahmad Maklad of the Kafr Al Dawwar police station ordered him to attack Adly; Maklad was implicated in the Hussein family's torture allegations. The court ordered Ibrahim detained pending an investigation, which was ongoing at year's end. On May 2, Amnesty International (AI) issued a statement describing the incident as "a disturbing development at a time when authorities purport to be combating torture."

On June 30, according to local NGOs, police officers beat and shackled lawyer Magdy Ibrahim Taha to the door of a detention room at the Hadeq Al Qoba police station after a policeman allegedly arrested Taha's client without a warrant. On July 3, approximately 150 lawyers reportedly held a sit-in at the police station to protest the mistreatment of their colleague. Authorities arrested Taha and three other lawyers—including Tareq Al-Awadi, Adel Sayed Abdrabu, and Muhammad Abdu Hailqan—during the protest and charged them with assaulting judicial personnel. On July 2, the West Cairo Court ordered the release of all four on bail ranging from LE 500 to LE 1,000 (\$90 to \$180). There were no updates at year's end.

On August 2, according to the Observatory for the Protection of Human Rights Defenders (OHRD), relatives of a police officer convicted of raping a refugee stopped the refugee's lawyer, Mohamed Bayoumi, on the street, beat him, and stole the refugee case file. On August 13, Bayoumi's family and business partner received phone calls claiming Bayoumi had been shot and killed and otherwise threatening Bayoumi. The Government had not taken corrective action to investigate this case by year's end.

According to January 2007 press reports, 100 detainees affiliated with Islamic Jihad filed complaints with the public prosecutor alleging that police officers tortured and abused them during unspecified periods of time. The detainees reported that authorities stripped them of their clothes, beat and verbally humiliated them, and confiscated their personal belongings. The public prosecutor had not responded by year's end.

Authorities did not take any corrective action to investigate the February 2007 alleged detention and torture of Fawzi Hassan and his children. The Nadim Center accused a number of police officers of involvement in the alleged detention and torture, including Mohamed El-Banna, Mohamed Sarhan, Mohsen Nagib, Mohamed el-Ashmawy, Mesbah el-Kasabi, and Mohamed Shalabi.

On February 9, Matrouh Public Prosecution transferred the torture case of Yehia Abdallah (by police officers Alaa Mousa and Mohamed Al Khodargy in July 2007) to the West Alexandria Public Prosecutor for potential future criminal prosecution.

Police did not take any corrective action to investigate the July 2007 illegal detention of 40 individuals in Alexandria, or the August 2007 torture by assistant investigations officer Ashraf Morgan of lawyer Ahmed Abdel Aziz.

On January 15, the Interior Ministry made public that it provided compensation in November and December 2007 to 800 of the 3,000 Islamic Group detainees awarded compensation in an October 2007 court verdict.

On February 2 and again on May 29, Cairo appeals courts upheld one- two- three-year prison sentences and fines against nine of 12 suspected HIV-positive men arrested in October 2007 on charges of debauchery. The arrests began after two men, stopped on the street during an altercation, told police officers they were HIV positive. According to Human Rights Watch (HRW), authorities arrested and interrogated the men, pressuring them to name their sexual contacts, whom police subsequently arrested. Ministry of Health doctors forced all 12 to undergo HIV tests without their consent, and Forensics Medical Authority doctors performed forcible anal examinations on the men, purportedly to prove that they had had sexual intercourse with other men. The detainees who proved to be HIV positive were held for weeks in hospitals chained to their beds, until February 25, when the Ministry of Health ordered the hospitals to unchain them. The prosecutor dropped the charges against three of the men, who were then released.

On May 21, an appeals court rejected police officer Islam Nabih's appeal of his November 2007 conviction for assaulting and sodomizing Cairo minibus driver Imad al-Kabir in 2006. Nabih and officer Reda Fathi, convicted for the same crime, were serving three-year sentences at year's end.

Authorities did not take steps to investigate and prosecute security officials responsible for the 2006 torture and sexual assault of blogger Mohamed Al Sharqawi.

There was an update regarding the 1994 killing by state security officers of Islamic Group leader Abdel Hareth Madany. On January 6, the State Council Administrative Court made public its verdict ordering the Government to pay LE 50,000 (approximately \$9,000) in compensation to Madany's family. The compensation sum is the largest compensatory verdict in the history of the Islamic Group. At year's end no further information was available.

On August 17, the MOI announced its approval of compensation to Islamists who were detained without trial during the 1990s, despite court orders for their release. The Minister agreed to pay a total of LE 10 million (approximately \$1.87 million) to an estimated 1,000 members of Al Jamaa Al Islamiya (the Islamic Group) who won court cases against the Ministry. The Ministry refused to compensate 1,000 other detainees whose cases the Ministry rejected.

Prison and Detention Center Conditions.—Prison conditions and conditions in detention centers remained poor. Prison cells remained overcrowded, with a lack of medical care, proper hygiene, food, clean water, and proper ventilation. Tuberculosis was widespread; sexual and other abuse, especially of juveniles in adult facilities, was common, and guards brutalized prisoners.

On June 24, guards in Borg Al Arab prison in Alexandria allegedly beat 17 inmates who were detained following the April 6–7 El-Mahalla clashes. The prisoners had launched a hunger strike to protest conditions of their detention. Security officials denied the allegations, and authorities had not taken action to investigate the case by year's end.

In July police at Torah prison allegedly beat American detainee Mohamed Hesham Seif and transferred him, without allowing him to bring his personal belongings, to Al Wadi Al Gadid prison, where he was beaten again.

On September 8, police quashed a prison riot and a jailbreak attempt in Assiut with tear gas and live fire, killing one prisoner and wounding 25 others. Prisoners claimed guards had tortured a prisoner to death prior to the riot. Authorities commenced an investigation into the riot but had not taken further action at year's end.

Authorities did not investigate the July 2007 death in custody, reportedly due to heat and overcrowding, of a prisoner in Al-Omraneia prison.

Although separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles.

Visits and visitors to prisoners incarcerated for political crimes or terrorism were subject to restrictions. Pretrial detainees were sometimes held together with convicted prisoners.

The Government did not permit visits to prisons or other places of detention by any independent human rights observers during the year, despite repeated requests from the International Committee of the Red Cross and other domestic and international human rights monitors. Some prisons remained completely closed to the public. As required by law, the public prosecutor continued to inspect all regular prisons during the year, including police stations in Cairo, Alexandria, and Hurghada. On March 15, authorities inspecting the Hurghada police station reportedly found 11 suspects held for seven days without legal justification. At year's end there were no updates on their statuses.

On November 29, the People's Assembly Committee on Human Rights announced its decision to visit police stations randomly and inspect detention centers to determine whether they complied with human rights standards. SSIS detention centers were excluded from such inspections.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, during the year, police and security forces engaged in such practices, including large-scale detentions of hundreds of individuals without charge under the Emergency Law, which was extended on April 26 for two more years.

Role of Police and Security Apparatus.—The MOI controls local police forces, which operate in large cities and governorates; the SSIS, which conducts investigations; and the Central Security Force (CSF), which maintains public order. SSIS and CSF officers are responsible for law enforcement at the national level and for providing security for infrastructure and key officials, both domestic and foreign. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Antinarcotics General Administration, also work at the national level.

The security forces operated under a central chain of command and were considered generally effective in their efforts to combat crime and terrorism and maintain public order. However, a culture of impunity militated against systematic prosecution of security personnel who committed human rights abuses.

There was widespread petty corruption in the police force, especially below senior levels. The Government claimed to investigate corruption and other instances of police malfeasance using a nontransparent internal affairs mechanism, and it failed to investigate many credible allegations of torture and mistreatment by police and security forces. In an increase from the previous year, the Government prosecuted cases it investigated in the judicial system; there were at least 25 cases of security officers engaging in mistreatment and abuse during the year, resulting in convictions of at least eight officers.

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

Arrest and Detention.—Individuals may be arrested and detained under the Emergency Law or the penal code, both of which give the Government broad powers.

The Emergency Law allows arrest without a warrant and detention of an individual without charge for up to 30 days, after which a detainee may demand a court hearing to challenge the legality of the detention order. A detainee may resubmit a motion for a hearing at one-month intervals thereafter; however, there is no limit to the detention period if a judge continues to uphold the order or if the detainee fails to exercise the right to a hearing, and there is no possibility of bail. Many detainees under the Emergency Law remained incommunicado in state security detention facilities without access to family members or to lawyers before their cases were transferred to trial, and some faced torture in detention.

Arrests under the penal code occurred openly and with warrants issued by a district prosecutor or judge. A prosecutor must bring charges within 48 hours following arrest or release the suspect. Detainees under the penal code were sometimes not informed promptly of charges against them. Authorities may hold a suspect for a maximum of six months while they investigate. There was a functioning system of bail for persons detained under the penal code. In criminal cases under the penal code, defendants had the right to counsel promptly after arrest and access to family members at the discretion of the court; however, they often faced obstacles and were unable to secure regular access to either.

On January 12, Minister of Interior Habib Al Adly issued decrees, which were subsequently implemented, allowing phone access in all prisons and increasing the number of visits allowed to prisoners, especially to mothers in prison. Notwithstanding the prevailing state of emergency and the Government's use of the Emergency Law provisions, the Government continued to rely on the penal code for the majority of criminal investigations and prosecutions.

In recent years, authorities detained thousands of persons administratively under the Emergency Law on suspicion of terrorist or political activity, including dozens of terrorism suspects in the Sinai in 2006. AI, the Human Rights Association for the Assistance of Prisoners (HRAAP), and other NGOs estimated that the Government continued to hold approximately 5,000 persons in administrative detention without charge or trial. Failure to implement judicial rulings regarding the release of detainees also remained a problem. On May 25, 280 prisoners in Borg Al Arab prison went on a hunger strike because authorities had not released them despite court verdicts ordering their release.

In February authorities released 20 Bedouins who were arrested after the Taba, Dahab, and Sharm Al Sheikh bombings in previous years. An estimated 300 Bedouins remain in detention.

During the year there were cases of pre-trial detention exceeding legal limits.

Amnesty.—The Government issued several amnesties during the year, including one on March 17 for approximately 100 members of the banned group Al Takfir Wal Hijra (Excommunicate and Immigrate) after the members signed statements renouncing violence; another in March for 510 members of Islamic groups; in April for 200 members of Islamic groups (including four senior leaders of Islamic Jihad and Tala'e Al Fath); and on September 16 for a group of Salafi detainees and those from the group "Al Waad."

On July 23, Egypt's National Day, President Mubarak pardoned 1,587 prisoners who had served half their sentences.

On October 1, President Mubarak pardoned 738 prisoners on the occasions of the Eid holiday and the October 6 holiday commemorating the 1973 Arab-Israeli war.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but in practice the judiciary was subject to executive influence and corruption.

The President may invoke the Emergency Law to refer any criminal case to the emergency or military courts, in which the accused does not receive most of the constitutional protections of the civilian judicial system, and the Government continued to use the Emergency Law to try non-security cases in these courts and to restrict many other basic rights. The constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The Government generally respected judicial independence in non-political cases in civilian courts. Emergency courts, however, were not independent.

The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges receive tenure, limited only by mandatory retirement at age 70. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. Headed by the President of the Court of Cassation, the council regulates judicial promotions and transfers.

There have been cases of judges taking bribes. For example, on September 4, the Cairo Criminal Court sentenced the head judge of South Cairo Compensation Court, Al Hussein Mohamed Al Hussein, to seven years in prison and fined him LE 100,000 (approximately \$18,000) for taking a LE two million (\$368,000) bribe from a jeweler.

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

Emergency courts share jurisdiction with military courts over crimes affecting national security. The President can appoint civilian judges to emergency courts upon the recommendation of the minister of justice or military judges upon recommendation of the minister of defense. Military courts were established under the Code of Military Justice Law No. 25 of 1966. Under the Code of Military Justice the President can refer civilians to military courts for certain offenses in the Penal Code such as acts harmful to the security of the Government and deliberate destruction of property to harm national security. The law was amended in April 2007 to include an appeal mechanism. Military verdicts were subject to review by other military judges and confirmation by the President, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare, and that military judges tended to rush cases involving a large number of defendants.

On December 15, the Tanta Emergency Supreme State Security Court convicted 22 people on charges of assaulting police officers, robbery and possession of unlicensed weapons during the April 6–7 protests in Mahalla. The court acquitted the 27 other defendants of the same charges.

On April 15, a closed military tribunal sentenced Muslim Brotherhood (MB) Second Deputy Chairman Khairat El Shater and 24 other civilian MB members, seven in absentia, to prison terms ranging from three to 10 years on charges including money laundering and planning terrorist activities. The tribunal acquitted 15 others. A Cairo civilian criminal court had acquitted 17 of the defendants of all charges in January 2007, but police rearrested them immediately after the verdict, and President Mubarak transferred their cases to the tribunal along with 23 others. This marked the first use of a military tribunal against civilians since MB trials in 2002. The tribunal regularly barred press and observers from human rights organizations and occasionally excluded defense attorneys and family members. AI described the verdict as a “perversion of justice,” and Human Rights Watch (HRW) described it as a “transparently political verdict from a court that should have no authority to try civilians.”

On June 3, MB lawyers filed a complaint against the Government regarding the validity of the trial; a military judge confirmed the verdicts on July 13. The Administrative Court postponed the appeal court session to March 2009.

At year's end Ossama Al-Nakhlawi, Younis Alyan, and Mohamed Gayez Sabah remained on death row following November 2006 convictions for involvement in the 2004 Taba terror bombings. HRW issued statements after the verdict noting that the convicts' claims of incommunicado detention, lack of access to counsel, torture, and forced confession raised serious questions about the Ismailiya High State Security Emergency Court verdict. HRW urged a retrial “that complies with basic standards of due process.”

Trial Procedures.—In civilian courts, the Government provides a lawyer at the state's expense if the defendant does not have counsel, and a defendant may appeal if denied this right; however, detainees in certain high-security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying them time to prepare an adequate defense. The law allows defendants to be present and to question witnesses against them and present witnesses and evidence on their behalf, and it provides defendants and their attorneys the right to access government-held evidence against them. There are no juries and trials are usually public. In civilian courts, defendants have the right of appeal up to the Court of Cassation and the Supreme Constitutional Court. Judges used guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend court sessions. Human rights activists are generally able to attend trials in civilian courts but are excluded from most military trials.

Sentences are subject to confirmation by the President, although an April 2007 amendment to the emergency law allowed the right to appeal. Defendants in military courts do not have the legal right to counsel, but usually had lawyers who defended them. The President may alter or annul a decision of an emergency court, including a decision to release a defendant.

The Government has asserted that referral to emergency courts usually has been limited to terrorism or national security cases, as well as major cases of drug trafficking; however, the Government also has occasionally used emergency courts to prosecute homosexuals, heterodox religious groups, and political dissidents.

Political Prisoners and Detainees.—Egyptian human rights organizations estimated in 2007 that 4,000 to 5,000 people remained in prolonged detention without charge under the law, though Minister of Interior Habib Al Adly stated that the total number of political prisoners and detainees does not exceed 1,800. There were varied and conflicting estimates of the number of "extraordinary detainees" (citizens held by the Government, often without trial, for alleged political crimes). In 2006, credible domestic and international NGOs estimated that there were between 6,000 and 10,000 such detainees in addition to the prisoners in the ordinary criminal justice system. The Government held detainees, including many MB activists, for several weeks to several months or longer, and did not permit international humanitarian organizations access to political prisoners.

As in previous years, the Government arrested and detained hundreds of MB members and supporters without charge or trial. The precise number of MB activists in detention at year's end was unknown, but the MB estimated that 250 members remained in detention.

During the weeks leading up to April 8 local council elections, police detained an estimated 1,000 MB members, 148 of whom were potential candidates. On July 9, SSIS reportedly arrested at least 38 MB members in advance of the July 13 parliamentary by-elections for four open parliamentary seats. At year's end the Government had allegedly released most of the MB members who had been arrested before the local council elections.

Runner-up in the 2005 Presidential election and leader of the opposition Al-Ghad (Tomorrow) Party Ayman Nour remained in prison at year's end, despite continued appeals for parole on health and humanitarian grounds. The New Cairo Felonies Court convicted Nour in 2005. On November 25, the Government refused Nour's appeal for release on medical grounds.

The Government tried to prevent Nour from sending letters from prison, but he succeeded in publishing articles in the independent daily newspaper, Al-Dostour.

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

Civil Judicial Procedures and Remedies.—Individuals had access to civil courts for lawsuits relating to human rights violations, and filed such lawsuits; however, the courts were not entirely independent, especially in politically high-profile cases. Human rights observers recommended that rules for pursuing judicial and administrative remedies, including standards for considering damages for victims, be established to obtain equitable redress and parity in compensation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution provides for the privacy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law suspends the constitutional provisions regarding the right to privacy, and the Government used the Emergency Law to limit these rights. Furthermore, authorities in terrorism cases

may disregard constitutional protections of privacy of communications and personal residences.

Under the law, police must obtain warrants or court orders before undertaking searches and wiretaps, but some human rights observers alleged that the Government routinely violated the law. Police officers who conducted searches without proper warrants were subject to criminal penalties, although courts seldom imposed them. The Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property. Authorities also punished or threatened to punish family members.

On March 20, according to the Al Nadim Center and the Association for Human Rights Legal Aid (AHLRA), police chief of investigations Ali Kedr and officers Hossam Abdel Moneim and Mahmoud Al Deeb of the Menia Al Nasr police station allegedly raided the home of Ibrahim El Sayed Metwally because of a debt he owed. The officers severely beat and verbally abused Metwally's mother and siblings. Metwally's sister claimed the officers detained her, beat her with a stick, and threatened to strip her. On May 27, press reports stated that Al Daqahleya Public Prosecution had begun an investigation. There were no further updates at year's end.

Authorities did not investigate the June 2007 home raid of writer and blogger Mohamed Mossad Yaout.

Section 2. Respect for Civil Liberties, Including:

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

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

The penal code and press and publications law govern press issues. The constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There were numerous restrictions on legal entities seeking to establish newspapers, including a limit of 10 percent ownership by any individual; the Government apparently enforced this limit unevenly. The Government owned stock in the three largest daily newspapers, which generally followed the Government line, and the President appointed their top editors. The Government also controlled the licensing, printing, and distribution of newspapers, including those of opposition political parties, which frequently criticized the Government and gave greater prominence to human rights abuses than did state-run newspapers. The daily independent newspaper Al-Masry Al-Youm, which focuses on domestic politics, continued to offer significant, independent coverage of controversial topics.

During the year the Supreme Press Council revoked the licenses of at least 14 news publications. It revoked the licenses of 12 of the 14 newspapers according to council guidelines because the newspapers were not regularly published. It revoked the license of the magazine Al-Zuhour at the behest of SSIS after MB member Salah Abu-al-Maqsud was appointed editor-in-chief, and the newspaper Al-Shuruq Al-Gadid on the grounds that some of the journalists were shareholders, in violation of Press Syndicate regulations. By year's end, Al-Shuruq Al-Gadid received a new license, though the others remained closed.

On December 16, an administrative court overturned a decision by the Government Central Auditing Agency (CAA) to monitor the financial and administrative records of privately owned independent newspapers. The court ruled that freedom of expression is guaranteed by the Constitution and cannot be restricted.

The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, Al-Mihwar and Dream TV, operated without direct government control, although the Government had a financial stake in both. The Government blocked reception of at least one foreign channel via satellite.

According to media reports, security personnel detained, harassed, and assaulted journalists during the year.

While the Government generally permitted foreign journalists to operate in the country, there were at least two instances of government harassment of foreign journalists.

On February 3, security forces briefly detained an Agence France-Presse journalist and a photographer in Rafah. Plainclothes police officers erased the memory cards in the photographer's camera, saying journalists were no longer allowed to photograph the Egypt-Gaza border, which authorities had closed after Hamas breached the border in January. Police also confiscated the journalists' identity cards before taking them to the local security office in Rafah for three hours of questioning, after which police forbade them from working in Rafah for "national security reasons."

On April 7, authorities detained nine photojournalists and cameramen, including Reuters photographer Nasser Nouri, for several hours because of their coverage of the April 6 and 7 Mahalla protests.

On June 17, according to several human rights organizations, Rahmaniya police officers Mohammed Badrawy, Amr Allam, and Mohamed Basiouni arrested Kamal Murad, a journalist for Al Fagr weekly newspaper, who had reportedly been taking photos of police beating farmers in Ezbat Mohram to coerce them to sign leases with a local businessman. The officers allegedly beat Murad, verbally assaulted him, and seized his notes and mobile phone memory card. Human rights organizations alleged that the officers arrested Murad because he had previously reported on the 2007 high-profile police torture case of Emad Al-Kabir; the officers reportedly referred to Murad as "the one who sent the officer to jail for three years." On June 21, three human rights organizations (ANHRI, the Arab Council for the Support of a Fair Trial and the Hisham Mubarak Law Center) requested that the Ministry of Interior investigate the officers responsible. At year's end, the MOI had not taken action to investigate this case.

Although in recent years opposition party newspapers published articles critical of the President and foreign heads of state without being charged or harassed, the Government and private individuals continued to charge journalists with libel under the portion of the press and publication law that forbids malicious and unsubstantiated reporting. Under the law, an editor-in-chief could be considered criminally responsible for libel contained in any portion of his or her newspaper, and journalists faced fines of as much as LE 20,000 (approximately \$3,600) and as long as five years in prison for criticizing foreign leaders or the President. The Government also charged and convicted journalists for "disturbing public order" on national security-related grounds when their reporting was politically embarrassing.

On October 11, the Cairo Criminal Court fined the editor-in-chief of the independent sensationalist newspaper Al-Fagr, Adel Hamouda, and a reporter for the paper, Mohammed Al-Baz, LE 80,000 (\$15,000) each for publishing images of the Sheikh of Al-Azhar dressed in papal robes and wearing a cross, alongside a September article urging the Sheikh not to visit the Vatican.

On October 26, a court fined the owner of the Cairo News Company media transmission firm LE 150,000 (\$27,000) and confiscated some of his equipment for operating the firm without the required licenses. The Government shut down the firm in April after it provided uplink services for an Al-Jazeera broadcast of protestors trampling on posters of President Mubarak during the April Mahalla clashes.

On November 25, the public prosecutor ordered the trial of Magdy El Galad, editor-in-chief of the independent newspaper Al-Masry Al-Youm, Abass El Tarabily, editor in chief of the opposition newspaper Al Wafd, and three other journalists from the two newspapers for violating the press ban on the trial of former NDP member of parliament Hisham Talaat Mustafa for allegedly ordering the murder of Lebanese pop singer Suzanne Tamim. At year's end the trial of the journalists was scheduled to begin on January 8, 2009.

In January 2007 lawyers affiliated with the ruling NDP filed suit based on Article 102 of the Criminal Law alleging that on January 26, Al-Wafd newspaper published false news that damaged the reputation of the judiciary by printing an article about the justice minister's alleged public criticism of a number of judges in January 2007.

On February 12, a North Cairo court commuted a six-month prison sentence imposed by a lower court in May 2007 against Al-Jazeera producer Huweida Taha Metwalli for allegedly damaging the country's image. However, the court allowed Metwalli's conviction to stand. Metwalli had admitted to staging reenactments of allegedly real torture for an Al-Jazeera documentary.

At year's end a verdict in the appeal case of four independent editors, including Ibrahim Eissa, editor in chief of the independent newspaper Al-Dostour, was scheduled to be issued on January 31, 2009. The editors were free on bail at year's end.

The four editors were convicted in September 2007 on charges ranging from misquoting the justice minister to defaming the President and senior officials of the NDP. Private individuals affiliated with the ruling party sponsored the lawsuits that led to the editors' convictions. Under the law, such lawsuits can result in criminal convictions. In December 2007, charges were dropped against three of the original seven defendants.

On March 26, Bulaq Misdemeanor Court convicted Ibrahim Eissa on charges of spreading false information "liable to harm the general interest and the country's stability" for August 2007 reporting on President Mubarak's health. The court issued Eissa a six-month suspended sentence, which Eissa appealed. On September 28, Bulaq Misdemeanor Court of Appeals upheld the conviction and ordered Eissa to serve a two-month jail sentence; on October 6, President Mubarak commuted Eissa's sentence. At year's end Eissa was free and employed at the newspaper. On December 22, a court ordered the pro-government newspaper Al-Ahram and a translation service to jointly pay a 50,000 LE (approximately \$9,090) fine to Sheikh Youssef El-Badry for insulting El-Badry in an August 2007 article.

The September 2007 case against Mohamed al-Sayed Sa'eed remained pending at year's end. In September 2007 an NDP-affiliated lawyer, Samir Al-Sheshtawy, filed a lawsuit against Mohamed al-Sayed Sa'eed the editor-in-chief of the independent daily Al-Badeel, for "defamation" after Al-Badeel ran an editorial on September 5 describing al-Sheshtawy as "a Mubarak-loving lawyer." In October 2007 the first hearing in the case took place.

There were developments regarding the 2007 case of Dr. Saad Eddin Ibrahim, founding chairman of the Ibn Khaldun Center for Development Studies. On August 2, the Al-Khalifa Misdemeanor Court ruled against Ibrahim in a civil lawsuit accusing him of "tarnishing Egypt's image abroad," and sentenced Ibrahim in absentia to two years imprisonment and imposed a 10,000 LE (approximately \$1,886) fine. Ibrahim had been living in self-imposed exile in Qatar and the United States since July 2007. In late 2007 Lawyers' Syndicate Deputy President Abul Naga al-Merhezi brought the civil lawsuit against Ibrahim for allegedly harming the country's image after Ibrahim criticized the Government in a series of articles and speeches on democracy. Ibrahim was living in the United States at year's end.

The Emergency Law authorizes censorship for reasons of public safety and national security, and the Government frequently censored domestic and international publications and media content during the year, including works deemed offensive to public morals, detrimental to religion, or likely to cause a breach of the peace. Domestic media also practiced self-censorship due to fear of government reprisal. The Government regularly confiscated publications by Islamists and other critics of the state, and it increasingly ceded confiscatory authority to Al-Azhar University and acted on its recommendations.

During the year the Government banned the sale of four international newspapers (Germany's *Frankfurter Allgemeine Zeitung* and *Die Welt*, Britain's *Observer*, and the U.S.'s *Wall Street Journal*) because they contained pictures "offensive to Prophet Mohammed." The Government confiscated German magazine *Der Spiegel*'s special edition on Islam.

On April 1, the Nilesat network, a government-owned satellite transmission company, stopped the broadcast of Al-Hiwar, a privately owned London-based channel, without prior notice. Al-Hiwar had featured talk shows such as "People's Rights," which had hosted prominent government critics such as Ibrahim Eissa. The Committee to Protect Journalists expressed deep concern about the suspension, noting "the decision comes in retaliation for the station's critical reporting on Egyptian and Arab world politics." At year's end the station was still suspended.

In late October Nilesat also stopped the transmission of the Islamic satellite channel "Al Hikma" without prior notice.

On April 8, authorities confiscated 5,000 copies of a book written by former senior police officer Amr Afifi. The book discusses legal procedures relating to interactions with police officers, including investigations, arrests, and inspections, and it explains citizens' rights vis-a-vis security forces. Afifi subsequently fled the country and remained in exile at year's end. Authorities also banned a number of books from the Cairo International Book Fair, including four works by Czech author Milan Kundera and Moroccan Mohamed Choukri's autobiographical *For Bread Alone*. These works are banned in several Arab countries because they contain references to teenage sex and drug use. The Government also banned *Love in Saudi Arabia* by novelist Ibrahim Badi and *Women of Sand and Myrrh* by Lebanese writer Hanan al-Sheikh.

On July 27, the Press and Publications Department of the MOI denied having banned the book *Inside Egypt: The Land of the Pharaohs on the Brink of a Revolu-*

tion. On July 23, the AFP reported the book's New York-based publishers Palgrave Macmillan confirmed the book had been banned in the country.

Throughout the year the Government routinely searched imported written material to confiscate items deemed insulting to religious sensibilities.

Internet Freedom.—Approximately 10 million persons had access to the Internet, which the Government actively promoted through low-cost access. There were reportedly more than 160,000 bloggers in the country. The Government blocked access to some Web sites and monitored the Internet during the year. On August 9, according to ANHRI, the Government imposed a regulation requiring Internet cafes to gather personal information of Internet users including names, e-mail addresses, and telephone numbers. ANHRI described the measure as an increase in censorship and a violation of users' privacy. Although there is no specific legislation regarding the blocking of Web sites, the authorities forced Internet service providers to block sites on public safety or national security grounds. Private use of Internet encryption devices is prohibited by the Telecommunications Act. The Government blocked Web sites discussing the April 6–7 Mahalla clashes. Also, on May 4, a government-owned Internet service provider blocked the Web site of the opposition movement Keyafa. Authorities subsequently censored Keyafa for 12 days because it has supported calls for a May 4 strike against inflation and low wages.

During the year police detained and allegedly tortured bloggers. The bloggers' arrests usually appeared to be linked primarily to their efforts to organize demonstrations through their blogs, and their participation in street protests or other activism.

On April 7, police detained an activist who contributed to organizing the April 6 general strike. The activist had used a Facebook group to call for the strike. Authorities released the activist from prison on April 23.

On May 7, SSIS officers apprehended and tortured an Internet activist who had called for a general strike on May 4 to protest low wages and inflation. According to Human Rights Watch (HRW), the officers allegedly blindfolded and stripped him naked before beating him for 12 hours and releasing him without charge. On May 10, HRW requested that the MOI investigate and prosecute the police officers responsible. At year's end authorities had not taken action against the officers. The Government also blocked Web sites discussing the strike.

On July 21, police detained Mohamed Rafat Bayoumi, a blogger and mass communications student at Cairo University. Rafat had called upon the readers of his blog to launch public demonstrations to commemorate the July 23, 1952, Free Officers Revolution. The police officers accused Rafat of public agitation and disturbing social peace. Rafat was released on September 29.

On October 24, blogger Ahmed Abdel Kawi, a third-year journalism student at Cairo University, was excluded from university housing despite having met all of the necessary conditions. During the year Kawi had criticized government policy on his blog. The Arabic Network for Human Rights Information issued a statement criticizing the measure the university took as unlawful. ANHRI urged the university to maintain the independence of academic institutions and to end complicity with state security regarding the abrogation of students' legal rights.

On November 16, State Security Forces arrested blogger Mohamed Khairi and detained him in Fayoum. Khairi was accused of attempting to overthrow the regime, membership in an illegal group, and possession of leaflets calling for lifting the siege on Gaza. The prosecutor of Fayoum ordered Khairi's release on November 19, and the Government released him on November 28.

On November 16, Sinai University officials excluded student and blogger Amr Salama from student union elections although all his documents had been in order and his name had been included on the final list of candidates.

On November 20, State Security arrested MB-affiliated blogger Mohammed Adel and allegedly tortured him. On November 21, SSIS seized many of his books and CDs from his home. Adel's blog called for MB detainees to be released. At year's end, Adel remained in custody.

On December 2, the Government prevented an Internet activist from traveling to the United States to participate in the December 3–5 "Alliance of Youth Movements Summit."

During the second half of the year SSIS also arrested two other bloggers, Abd Altawab Mahmoud and Khalifa Ebaid. Karim Amer, a university student and blogger convicted in February 2007 of spreading disruptive information, and blogger Abdel Karim Nabil Suleiman, convicted in 2006 of "denigrating" Islam and insulting Mubarak, remained in prison at year's end.

Academic Freedom and Cultural Events.—The Government restricted academic freedom through various means. It selected deans rather than permitting the faculty to elect them, justifying the measure as a way to combat Islamist influence on cam-

pus. It also banned academic travel. On March 31, SSIS prevented political science professor Dr. Abdel Hamid El Ghazali from traveling to Saudi Arabia to attend a conference on Islamic economics. On August 20, SSIS prevented him from traveling to Algeria to attend a conference on social reform. On November 11, Egyptian authorities banned MB-affiliated doctors Essam Al Eryan and Mohamed Gamal Heshmat from traveling to Damascus to attend a conference on "The Right of Return for Palestinians." In September the Government refused to grant the MB permission to hold its annual Ramadan "iftar" dinner for hundreds of guests.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, but the Government restricted the exercise of this right. Citizens must obtain approval from the MOI before holding public meetings, rallies, and protest marches. The MOI refused to grant permits for some political events, and the Government tightly controlled public demonstrations, including some meetings on private property and university campuses.

On April 2, Parliament passed a law criminalizing protests in places of worship and surrounding areas, with prison sentences of as long as one year and fines as much as LE 5,000 (approximately \$900).

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

Police generally responded to political demonstrations during the year with high numbers of riot police deployed by the Ministry of Interior to contain both the size and effectiveness of the demonstrations, and sometimes used excessive force, such as in the April 6–7 Mahalla clashes. A pattern of arresting demonstrators, and detaining them for at least 15 days "pending further investigation" continued, particularly in cases of unauthorized rallies. In a number of unauthorized demonstrations, police detained suspected organizers, some of whom alleged mistreatment in detention.

On April 1 and 2, MB members demonstrated across the Delta area (Gharbeya, Qalyubiya, Zagazig and Alexandria) against government efforts to prevent the MB from running in the April 8 local elections. Authorities arrested hundreds of MB members and injured approximately 10 persons.

On April 6 and 7, in Mahalla, police in riot gear used live ammunition and rubber bullets to suppress protests against low wages and price hikes for basic goods. Protestors reportedly threw rocks and Molotov cocktails, injuring five police officers, and burned two schools and other property. A 15-year-old bystander was killed and dozens were wounded. Security forces detained more than 300 demonstrators.

On July 23, police arrested 26 members of a Facebook social networking group known as the "6th of April Youth" as they demonstrated in support of Egypt's July 23, 1952, revolution. Authorities arrested the activists on charges including "causing a public disturbance" and "disrupting traffic in an attempt to stage street riots." On July 28, a court in Alexandria ruled that the protesters should be released, but 14 remained in custody for several more days before they were released.

On December 30 and 31, police prevented protesters from demonstrating in downtown Cairo against Israeli attacks in Gaza. Police reportedly arrested large numbers of protesters, and released most of them after a few hours.

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

On March 30, Giza Administrative Court ruled that the Center for Trade Union and Workers Services (CTUWS)—a labor rights organization that monitored trade union elections and provided legal aid to candidates and voters—should be permitted to register as an NGO, responding to complaints filed after the Government closed CTUWS headquarters in three cities in 2007. On June 26, the Ministry of Social Solidarity issued a decree reopening CTUWS, and it subsequently re-opened. On October 26, in response to international and domestic pressure, Cairo Administrative Court overturned the Government decision to dissolve AHRLA, and the organization was able to continue to operate normally throughout the rest of the year. In September 2007 the Government ordered the closure of AHRLA for accepting funds from foreign donors without government approval. AHRLA played a role in

exposing several cases of torture by security personnel, specifically in a lawsuit against a state security officer who allegedly tortured Mohamed Abdel Kader al-Sayed to death in 2003.

c. Freedom of Religion.—The constitution provides for freedom of belief and the practice of religious rites; however, the Government restricted the exercise of these rights. According to the constitution, Islam is the official state religion, and Shari'a (Islamic law), the primary source of legislation. Religious practices that conflict with the Government's interpretation of Shari'a are prohibited.

Members of non-Muslim religious minorities officially recognized by the Government generally worshiped without harassment and maintained links with coreligionists in other countries.

Members of religions not recognized by the Government, particularly Baha'is, experienced personal and collective hardship. Religious groups seeking recognition must submit a request to the MOI, which determines whether, in its view, the group would pose a threat to national security or social order. The MOI also consults leading religious figures, particularly the pope of the Coptic Orthodox Church and the sheikh of Al-Azhar. The last official recognition of a religious group occurred in 1990. The Government did not recognize marriages of citizens adhering to faiths other than Christianity, Judaism, or Islam, nor did it recognize conversions of Muslim-born citizens to other religions.

The law prohibited blasphemy and the "denigration of religions." Though there were no reported prosecutions, at least one Koranist was arrested and was being held without charges at year's end. The Government prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony. The law bans Baha'i institutions and community activities and stripped Baha'is of legal recognition. The Government continued to deny civil documents, including ID cards, birth certificates, and marriage licenses to members of the Baha'i community. The MOI requires identity card applicants to self-identify as a Jew, Christian, or Muslim. As a result, Baha'is faced difficulties in conducting civil transactions, including registering births, marriages, and deaths, obtaining passports, enrolling children in schools, and opening bank accounts. During the year Baha'is were compelled either to misrepresent themselves as Muslim, Christian or Jewish, or go without valid identity documents. Many Baha'is chose the latter course.

Traditional practices and some aspects of the law discriminated against religious minorities, including Christians and particularly Baha'is. The law requires non-Muslims to obtain a Presidential decree to build a new place of worship. In addition, MOI regulations, issued in 1934 under the Al-Ezabi decree, specify a set of 10 conditions the Government must consider before a Presidential decree for construction of a new non-Muslim place of worship can be issued. The conditions include the requirement that the distance between a church and a mosque not be less than 100 meters (328 feet) and that approval of the neighboring Muslim community be obtained before a permit to build a new church may be issued.

The law also requires non-Muslims to obtain a governor's approval to repair, renovate, or expand existing church complexes. Decree 291 of 2005 delegated such authority, formerly held by the President, to the governors, but loopholes in the law have been exploited to prevent implementation. For example, some local authorities refuse to process applications without "supporting documents" that were virtually impossible to obtain (e.g., a Presidential decree authorizing the existence of a church that had been established during the country's monarchical era). Church and lay leaders also maintain that security forces blocked them from using permits that had been issued, and at times denied them permits, for repairs to church buildings and the supply of water and electricity to existing church facilities. As a result, in general, congregations continue to wait many years to be able to build and repair church properties.

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

The Government did not carry out forced conversions; however, there were again reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases are disputed and often include inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, find it difficult to determine whether compulsion was used, as most cases involve a female Copt who converts to Islam when she marries a Muslim male.

On September 24, the Alexandria Court of Appeals upheld a 2006 Family Court ruling that the father of Mario Medhat Ramses, 11, and Andrew Medhat Ramses, 13, a convert from Christianity to Islam, was entitled to custody of his sons. The

ruling would permit him to convert children to Islam over the objection of their Christian mother, who continued to raise them as Christians after her husband converted to Islam. Although Article 20 of the civil code grants custody of children to their mothers until age 15, the court applied Shari'a guidelines to reach the verdict. Despite the court order, the boys remained in their mother's custody at year's end.

Neither the constitution nor the civil and penal codes prohibit proselytizing, but police harassed or arrested some individuals proselytizing on charges of ridiculing or insulting the "heavenly religions" (Islam, Christianity, and Judaism) or inciting sectarian strife.

Jehovah's Witness leadership reported that authorities monitored the homes, telephones, and meeting places of members of Jehovah's Witnesses. The Government also reportedly maintained regular and sometimes hostile surveillance of Muslim-born citizens who were suspected of having converted to Christianity. On September 17, a criminal court sentenced Bahya Nagy Ibrahim to three years in prison for falsely claiming to be Christian. She remained free at year's end and human rights observers noted that they did not expect the sentence to be enforced; her sister, Shadia, was convicted of the same crime in November 2007, a conviction the public prosecutor subsequently reversed. Ibrahim had listed her religion as Christian on her marriage certificate in the 1980s, not knowing her father's brief conversion to Islam in 1962 made her official religion Islam according to the country's interpretation of Islamic law.

Authorities monitored and occasionally placed restrictions on religious materials (published in the country and imported) as they did other written materials.

The Government banned women and girls in public primary schools from wearing veils. Girls in secondary or preparatory schools could wear a veil only upon a parent's written request.

Societal Abuses and Discrimination.—Societal religious discrimination and sectarian tension continued during the year.

For example, on November 24, hundreds of Muslims attacked a recently opened, unlicensed Coptic church in the Ain Shams area of Cairo, fighting with Coptic worshippers and police attempting to restore order.

Authorities continued to detain two Copts accused of killing a Muslim who died at the time of the attack on the Abu Fana Monastery. There were no charges filed against the assailants who assaulted the monastery and abused the monks who were abducted.

The constitution provides for equal public rights and duties without discrimination based on religion or creed, and in general the Government upheld these protections; however, government discrimination against non-Muslims existed. The Government continued to discriminate against non-Muslims in public sector employment and in admission to publicly financed Al Azhar University.

Anti-Semitism in the media was common, although less prevalent than in recent years. There were no reports of anti-Semitic acts directed toward the country's approximately 125 Jews. Anti-Semitic sentiments appeared in both the pro-government and opposition press. Anti-Semitic editorial cartoons and articles depicting demonic images of Jews and Israeli leaders, stereotypical images of Jews along with Jewish symbols, and comparisons of Israeli leaders to Hitler and the Nazis were published throughout the year. The Government advised journalists and cartoonists to avoid anti-Semitism. Government officials insisted that anti-Semitic statements in the media were a reaction to Israeli government actions against Palestinians and did not constitute anti-Semitism.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice with some notable exceptions. Citizens and foreigners may not travel in areas of the country designated as military zones. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women younger than 21 must have permission from their fathers to obtain passports and travel, and police reportedly required such permission for married women in practice, although the law no longer required it. The Government did not consistently cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

On May 1, SSIS prevented MB member and blogger Abdel Moneim Mahmoud from traveling to Morocco to participate in a conference on press freedom.

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

Protection of Refugees.—The constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the country has no national legislative framework or system for granting asylum. The Government admits refugees on the understanding that their presence in the country is temporary, and the UNHCR assumes full responsibility for the determination of refugee status on behalf of the Government.

From January to June, the Government denied the UNHCR access to all potential Eritrean and Ethiopian refugees who were imprisoned for illegally entering the country. On June 16, the Government allowed the UNHCR to meet with the estimated 140 Eritreans and 40 Ethiopians detained in Aswan. Most Eritreans were granted refugee status; all Ethiopians were denied. The Ethiopians subsequently requested repatriation to Ethiopia.

In practice, the Government sometimes did not provide protection against the expulsion or forced return of refugees to countries where their lives or freedom would be threatened.

On April 19, the Government forcibly deported to southern Sudan an estimated 30 Sudanese men and boys, at least 11 of whom UNHCR recognized as refugees or asylum seekers. According to HRW, police arrested the individuals on February 8 after Sudanese gangs in Cairo had been accused of vandalizing cars.

In June authorities forcibly returned at least 1,200 Eritrean nationals to Eritrea, triggering a June 19 letter from 18 local human rights organizations expressing concern about the deportations. By year's end authorities had not responded to the letter. On December 24, Egypt forcibly repatriated another 25 more Eritreans.

On August 26, police arrested 23 Sudanese refugees in Sinai and deported them to Khartoum on November 7 for allegedly illegally crossing into Israel. According to the Darfur Democratic Forum, they were transported to Cairo and interrogated, beaten, and tortured before being transferred to the Sudanese embassy, which organized their departure.

Refugees faced violence by security forces, abuse, and discrimination.

During the year in at least 16 separate incidents, security forces shot and killed at least 33 African migrants attempting to cross illegally into Israel. At year's end the Government had not taken action to prosecute any of the officers involved in these incidents. For example, on February 16, security forces shot and killed Mervat Mer Hatover, an Eritrean woman, as she attempted to cross the border near the El Kuntilla region in the Sinai Peninsula. On June 28, security forces shot and killed a seven-year-old Sudanese girl and man attempting to cross the border south of Rafah. There was an increase in the number of Eritrean, Sudanese, and other African asylum seekers who attempted to migrate illegally through the country to Israel during the year. Throughout the year authorities arrested more than 1,300 sub-Saharan refugees on charges of attempting an unlawful crossing of Egypt's eastern border with Israel. Detainees were tried in military courts that, according to AI, did not meet international standards for fair trial. Courts often imposed one year sentences followed by immediate deportation procedures.

Many African and Sub-Saharan refugees faced discrimination, including restrictions on employment, poor housing, limited access to health and education, and societal discrimination based on race. Iraqi refugees faced restrictions on employment and access to health and education services.

Baha'i men of draft age had difficulty obtaining passports because they are unable to establish that they have fulfilled or are exempt from military service obligations.

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

The constitution provides that citizens shall elect the President every six years and the 454-seat People's Assembly every five years. The constitution also provides that two-thirds of the 264-member Shura Council, the upper house of parliament, are elected and one-third are appointed by the President. Shura council terms are for six years, with half of the Shura's elected seats contested every three years. There continued to be limitations on citizens' rights to change their government peacefully, due to consistent election irregularities, including technical problems and fraud.

Elections and Political Participation.—On February 17, President Mubarak announced that local council elections would take place April 8. Local councils are re-

sponsible for implementing legislation and monitoring daily local functions of the Government municipalities; in addition, the law requires independent Presidential candidates to obtain at least 140 signatures from local council members in at least 14 governorates.

On February 29, the Government banned election campaigning in places of worship, schools, universities, and public transportation. The decree also banned the use of funds from abroad for campaigning.

Many opposition candidates from registered political parties and the MB reported difficulties registering and alleged a government campaign to prevent opposition candidates from participating in the elections. More than 3,000 MB candidates prevented from registering sued the Government. Although the courts ruled in favor of the MB candidates in 2,664 suits, the majority of the rulings were not implemented. The Government arrested and detained an estimated 1,000 MB members prior to the elections. On March 30, HRW issued a statement noting that government arrests of MB-affiliated candidates “put the legitimacy of the election in serious doubt.” AI also expressed concern over the arrests and called for the Government to release the detained individuals.

On April 7, following weeks of arrests and official hurdles placed in the way of candidate registration, the MB called on citizens to join it in “boycotting this fraudulent process.” Only 20 MB candidates registered and none ran for office after the MB announced its boycott.

On April 8, the local elections took place in 26 governorates where candidates contested approximately 52,000 total seats. There were 57,000 candidates in total, of whom 52,000 were NDP members.

Independent observers estimated that the voter turnout was less than 3 percent. NDP candidates won 92 percent of the seats, and the rest went to the liberal Wafd party, the socialist Taggamu party, the liberal Democratic Front Party, the liberal Al-Ghad party, and independents.

The Carnegie Endowment for International Peace described the elections as “a step backwards for Egyptian politics,” and the Egyptian Organization for Human Rights (EOHR) did not monitor the elections because of citizens’ reluctance to participate and the elections’ lack of competitiveness.

Observers, including the Egyptian Alliance for Democracy Support and the NCHR, reported numerous violations and irregularities, including NDP monopolization of distinctive symbols, government prevention of observers from entering polling stations, violence between supporters of different candidates, ballot box stuffing, group voting, vote buying, counting of votes before the polls closed, and a shortage of ballots in some polling stations. The NCHR also reported that candidates’ supporters attempted to influence voters in some polling stations.

On July 3, Minister of Interior Habib Al Adly set parliamentary by-elections for four vacant parliament seats in Kafr Al Sheikh and Alexandria for July 13. The four seats had been vacant since a legal challenge during the 2005 parliamentary elections. The NDP won the four contested seats. MB-affiliated candidates ran for three of the seats, and the MB accused the Government of rigging the vote to favor the NDP.

The NDP continued to dominate national politics by maintaining an overriding majority in the People’s Assembly and the Shura Council. It also dominated local governments, mass media, labor, and the public sector, and controlled licensing of new political parties, newspapers, and private organizations. The law prohibits political parties based on religion, and the MB remained an illegal organization; however, independent members of Parliament linked to the MB continued to participate actively in Parliament. The Government refused to grant official registration to 12 political parties that had filed applications in the past. At year’s end, none of the 12 parties had reapplied to the Political Parties Affairs Committee.

There were nine women in the People’s Assembly (out of 454 total seats) and 21 in the Shura Council (out of 264). Two women served among the 32 ministers in the cabinet.

There were six Christians (five appointed, one elected) in the People’s Assembly; 10 Christians (all appointed) in the Shura Council; and two Christians in the cabinet. Christians, who represent 8 to 12 percent of the population, held fewer than 2 percent of the seats in the PA and Shura Council. In 2006, for the first time in more than 30 years, the Government appointed a Copt as one of the country’s 28 governors in Qena. During the year the Government reappointed the Christian governor of Qena. There were no Christians in the upper ranks of the security services and armed forces.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not consistently and effectively im-

plement the law, and impunity was a problem. Media routinely reported on confirmed cases of low-level corruption, including the fraudulent alteration of official documents, embezzlement, and bribery.

There was an update regarding the November 2007 detention of Ayman Abdel Moneim. On October 8, a Cairo criminal court convicted Moneim and two other Ministry of Culture officials, and sentenced them to 10-year prison terms. The court fined Moneim LE 200,000 (approximately \$35,000), and the other two officials LE 125,000 (\$22,000) and LE 550,000 (\$100,000). In November 2007 Assistant Minister of Justice Ahmed al-Shalaqany ordered the provisional detention of Ayman Abdel Moneim, director of the Ministry of Culture's Office for Monuments, after Moneim was accused of receiving bribes. On November 25, the public prosecutor transferred Moneim and eight other suspects to a criminal court on charges of receiving bribes and manipulating the ministry's tenders, which accounted for LE 930,000 (\$170,000). At year's end Moneim and the two other officials were in prison.

On July 27, Safaga Misdemeanors Court acquitted ferry owner and Shura Council member Mamdouh Ismail, along with five other defendants, for failing to offer assistance in the 2006 sinking of the Al-Salaam Bocaccio 90 ferry in the Red Sea, which killed more than 1,000 people. Ismail's relationship with Presidential chief of staff Zakaria Azmi had sparked public debate about corruption. Four hours after the verdict was issued, the public prosecutor appealed the decision. The case remained pending at year's end, and Ismail remained in London.

On November 20, Cairo Criminal Court sentenced former Deputy Minister of Agriculture Youssef Abdel Rahman and Chairman of the Agricultural Bourse Randa Al Shamy to 10 and seven years of imprisonment, respectively. Both were found guilty of importing carcinogenic pesticides to Egypt, bribery, and embezzlement of public money.

There were no financial disclosure laws for public officials, nor were there legal provisions for public access to government information.

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

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

Local independent human rights NGOs included the EOHR, the HRAAP, the AHRLA, the Cairo Institute for Human Rights Studies (CIHRS), the EIPR, the Ibn Khaldun Center, the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP), the Arab Network for Human Rights Information, the Nadim Center for the Rehabilitation of Victims of Torture and Violence, and the Egyptian Center for Women's Rights (ECWR). The Government closed AHRLA in September 2007, but the organization continued to operate as the Center for Human Rights and Legal Aid until an October 26 court ruling allowed it reestablish using its original name. The AOHR generally took a softer line toward the Government. Informal coalitions of Internet activists and bloggers continued to play an increasingly significant role in publicizing information about human rights abuses. On September 12, prominent Egyptians, including former foreign minister Ahmed Maher, announced the formation of a new NGO called "The Police and the People for Egypt," which seeks to address existing tensions between police and citizens.

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

The Government did not demonstrate a consistent approach to cooperating with human rights NGOs, sometimes harassing them or restricting their activities, and it detained and abused some bloggers.

On May 18, the Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP) reported that the Government forced it to conclude a May 14-16 human rights conference in Alexandria one day earlier than planned. Security officials allegedly harassed the hotel staff where the conference took place.

In June the Government removed EIPR from the list of participants for the UN General Assembly High Level Meeting on HIV and AIDS on June 10 and 11. Domestic and international NGOs described the incident as "a disturbing escalation of the atmosphere of harassment and restrictions targeting independent human rights organizations."

On December 5, CIHRS issued its first annual report detailing the state of human rights in the Arab world, accusing the Government of using its influence in international organizations to thwart efforts at human rights reform.

The Government generally allows international human rights NGOs to establish informal operations. Organizations such as HRW made periodic visits as part of their regional research program and were able to work with domestic human rights groups. On April 7, according to press reports, the Ministry of Foreign Affairs withdrew approval for the International Federation for Human Rights to open a regional office in Cairo. At year's end the NGO was still waiting for official approval. The National Democratic Institute, International Republican Institute, and International Foundation for Electoral Systems (IFES), which provide technical assistance in support of expanded political and civil rights, remained unregistered but were able to pursue limited activities.

The Government cooperated selectively with the UN and other international organizations. It did not respond to standing visitation requests from at least five UN special rapporteurs, including those on torture, the situation of human rights defenders, freedom of religion, independence of judges and lawyers, human rights, and counterterrorism.

The United Nations High Commissioner for Refugees criticized the Government for its forced returns of Eritrean asylum seekers during the year. On January 17, the European Parliament issued a resolution criticizing the country's human rights record. The resolution called on the Government to release Ayman Nour, end harassment of journalists and human rights activists, lift the state of emergency, amend the law governing military tribunals, investigate suspected cases of torture, and enhance the independence of the judiciary. The Government responded by condemning the resolution and threatening to sever relations with the European Parliament and the Euro-Mediterranean Parliamentary Assembly.

The National Council for Human Rights (NCHR) is a subsidiary of the Shura Council in consultative status. The NCHR continued to monitor government abuses of human rights, formally submitting citizen complaints to the Government, and issued reports critical of the Government. On March 30, the NCHR issued its fourth annual report on the status of human rights in the country, covering 2007. The NCHR reported that it received more than 6,600 complaints during the year, of which 30 percent were alleged violations of civil and political rights. The report documented that the Government responded to 53 percent of the complaints, an improvement of the 2006 response rate. The report called on the Government to address mistreatment of citizens in detention centers, improve judicial supervision of prisons and detention centers, provide the draft counterterrorism law to the NCHR for review, lift restrictions on political parties and NGOs, issue new election regulations, follow up on the implementation of political rights, and enforce citizenship rights. At year's end the Government followed up on some of the NCHR's recommendations, such as improving employment conditions and releasing specific individual prisoners from detention. By year's end the NCHR had opened a rotating complaints office, following its announced intention to do so in February 2007.

The People's Assembly had a Human Rights Committee, which human rights activists deemed ineffective.

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

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

Women.—The law prohibits rape, prescribing penalties of 15 to 25 years imprisonment or life imprisonment for cases involving armed abduction. The Government did not always enforce the law, in part due to women's fear of reporting rape incidents. Spousal rape is not illegal. According to a May 2007 study by the National Center for Criminal and Social Research, there were approximately 20,000 cases of rape during the year.

Although the law does not prohibit domestic violence or spousal abuse, provisions of law relating to assault in general may be applied with accompanying penalties. However, the law requires any kind of assault victims to produce multiple eyewitnesses, a difficult condition for a domestic abuse victim to meet. Domestic violence continued to be a significant problem. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence.

The law does not specifically address honor crimes, in which a male violently assaults or kills a female, usually a family member, because of a perceived lack of chastity. There were no reliable statistics regarding the extent of honor killings.

Prostitution and sex tourism were illegal but continued to occur, particularly in Cairo and Alexandria. Prostitution existed in cities and in some rural areas. Sex

tourism existed in Luxor and Sharm El-Sheikh. Street children were subject to prostitution. Most sex tourists came from Europe and the Gulf.

There is no specific law criminalizing sexual harassment, but the Government prosecuted sexual harassment under a statute titled "Public Exposure and the Corruption of Morals." Sexual harassment remained a serious problem. An ECWR survey, released July 17, found that 83 percent of Egyptian women and 98 percent of foreign women in the country had been sexually harassed and that approximately half of women surveyed faced harassment on a daily basis. Women reported men staring inappropriately at their bodies, touching them inappropriately, making sexually explicit comments, and stalking them. The study found the majority of women did nothing in response to sexual harassment, although many reported suffering negative physical and emotional effects. Only 2.4 percent of Egyptian women and 7.5 percent of foreign women reporting sexual harassment sought help from police, and some reported police officers mocked or harassed them.

On October 21, for the first time in the country's history, a court heard a sexual assault case, and convicted and sentenced Sherif Gomaa Gibrial to three years in prison for groping a woman in June. The court also fined Gibrial LE 5001 (approximately \$895).

On November 17, a court convicted and sentenced Islam Megdy to one year in prison on charges of sexual assault for the attempted rape and groping of three women on a street in the Cairo neighborhood of Mohandiseen on October 2.

On November 20, police arrested and briefly detained approximately 500 young men and boys for sexual harassment in schools and public parks.

At year's end the Government had not investigated 2006 reports of groups of young men sexually harassing female pedestrians in downtown Cairo.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women.

Laws affecting marriage and personal status generally corresponded to an individual's religion. For example, a female Muslim citizen may not marry a non-Muslim man without risking arrest and conviction for apostasy; under the Government's interpretation of Shari'a, any children from such a marriage could be put in the custody of a male Muslim guardian. Khul divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided she is willing to forgo all her financial rights, including alimony, dowry, and other benefits. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion. Muslim female heirs receive half the amount of a male heir's inheritance, and Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate with the balance going to designated male relatives, but a sole male heir inherits his parents' entire estate. A woman's testimony is equal to that of a man in court.

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

During the year the Government appointed women to several positions of authority within the Government. On July 19, Dar Al Ifta, a government body responsible for fatwas (religious edicts) issued a formal fatwa stating it is religiously permissible for an Egyptian woman to become the head of state or assume a position as a judge. On February 26, Zagazig Court appointed the first female marriage registrar in the country. On March 19, President Mubarak appointed 103 women as assistant district attorneys. On May 6, the Supreme Judicial Council approved the appointment of 12 female judges in first instance courts. In November the minister of interior appointed the country's first Coptic woman mayor, Eva Habil Kirolos, in Qena.

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

The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide to provide legal and medical services. The National Council for Women proposed and advocated policies to promote women's empowerment and designed development programs to benefit women. The Office of the National Ombudsman for Women provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes. A num-

ber of active women's rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM.

Children.—Despite a formal fatwa and a government law criminalizing it, FGM remained a serious problem, although it declined from previous years. In December the National Council for Childhood and Motherhood (NCCM) estimated that 55 percent of girls who married younger than 18 underwent FGM, with 9 percent in cities and 65 percent in rural areas. Previously, reported rates were as high as 97 percent. Tradition and family pressure continued to play a leading role in the persistence of FGM. On June 7, the People's Assembly criminalized FGM, except in cases of medical necessity, with penalties of three months to two years in prison, or a fine of as much as LE 5,000 (approximately \$900). Criminal prosecutions in FGM cases occurred following the passage of the new law. The quasi-government NCCM operated a hotline for children. At year's end the NCCM did not yet have statistics on the number of FGM reports it received during the year. It continued a public awareness campaign in 120 villages in the country, and numerous senior government officials spoke out publicly against FGM during the year.

On April 26, Al Maghagha Misdemeanors court sentenced Dr. Hanan Amin to one year of imprisonment with hard labor and a fine of LE 1,000 (approximately \$180). Amin had administered a fatal anesthesia overdose to 12-year-old Badour Shaker during a June 2007 FGM operation in an illegal medical unit. However, on May 20, the Al Maghagha Misdemeanors Appeal Court acquitted Amin and fined her LE 200 (\$35) after she reconciled with the victim's family.

On June 7, the People's Assembly approved new and amended provisions of the Child Law that included criminalization of FGM, except in cases of medical necessity, and stipulated penalties of three months to two years in prison or a fine from LE 1,000 (\$180) to LE 5,000 (\$900). The Government continued to support efforts, including through its child abuse hot line, to educate the public about FGM.

Although reliable data are lacking, several NGOs (including the Hope Village Society, the Egyptian Center for Women's Rights, and the Alliance for Arab Women) reported that child marriages, including temporary marriages intended to mask prostitution, were a significant problem. On June 7, as part of the Child Law amendments, the Government raised the official marriage age from 16 to 18. The amendments also allow the mother of a child whose father is unknown to issue a birth certificate for the child under the mother's name.

On December 26, an Alexandria court sentenced teacher Haitham Nabil Abdel Hamid to six years in prison with hard labor for beating to death his 11-year-old student, Islam Badr, in October.

The Ministry of Social Solidarity offered shelters for street children, but many children chose not to seek refuge there. Throughout the year, the shelters closed at night, forcing the children back onto the street. The NCCM offers a hotline for street children and abused children, which operates 24 hours a day, 365 days per year.

In 2006 a court convicted six individuals of kidnapping, deceiving, molesting, and murdering 24 street children between April and November 2006. In May 2007 two received death sentences and the others received long prison terms. At year's end a court of cassation decision on the defendants' appeal was expected in January 2009.

Trafficking in Persons.—There is no specific comprehensive law prohibiting trafficking in persons; however, other laws, such as the labor code and the new child law amendments, which the parliament adopted on June 7, may be used to prosecute traffickers. Although no laws specifically proscribe trafficking of adults, the Government nonetheless prosecuted trafficking-related cases under laws prohibiting commercial sexual exploitation, with a maximum penalty of seven years' imprisonment and forced labor. Under the child law amendments, an individual who sells, buys, or offers a child for sale may be sentenced to at least five years of imprisonment and fined as much as LE 200,000 (approximately \$37,000). There were occasional reports of persons trafficked from Eastern Europe and Asia through the country to Israel for commercial sexual exploitation and forced labor.

Some antitrafficking activists suggested children were being trafficked from rural areas within the country for work as domestic servants or laborers in agriculture, and urban street children were at risk for forced prostitution or panhandling. Caritas Internationalis estimated that 80 percent of street children were victims of some form of sexual exploitation. ECWR reported that women were sexually exploited through "temporary marriages" to tourists from the Gulf.

The National Coordinating Committee to Combat and Prevent Trafficking in Persons, established in July 2007, improved intergovernmental coordination on antitrafficking initiatives. The Government indicated that authorities investigated

102 cases from 2003 to 2007–08 that may have involved elements of trafficking in persons, including 73 cases involving commercial sexual exploitation and seven cases of abusing or forcing children into begging. Since there is no trafficking law, the Government did not report any prosecutions, convictions, or punishments for trafficking offenses.

The Government continued to lack a formal victim identification program, and police reportedly arrested and mistreated street children for violating prostitution or other laws. The Government offered minimal protection services to victims during the year, and it continued to operate a child abuse hot line.

The National Council for Childhood and Motherhood (NCCM) formed a new antitrafficking unit to provide services and training, and held several workshops during the year.

In August press reports stated that Public Prosecutor Abdel Meguid Mahmoud approved issuing booklets for prosecutors including orders on treatment of children, banning FGM, child trafficking, and child abuse. In December First Lady Suzanne Mubarak hosted an event to introduce the Arabic version of the International Organization on Migration's (IOM) Arabic "Handbook on Direct Assistance for Victims of Trafficking."

Persons With Disabilities.—The law provides that all businesses must designate five percent of their jobs for persons with physical or mental disabilities; however, there were no laws prohibiting discrimination against persons with disabilities in education, access to health care, or the provision of other state services, nor was there legislation mandating access to buildings or transportation. Widespread societal discrimination remained against persons with disabilities, particularly mental disabilities, resulting in a lack of acceptance into mainstream society. government-run treatment centers for persons with disabilities, especially children, were poor.

Statistics regarding the practical implementation of the employment laws were unavailable; however, on April 14, the deputy of the employment force district in Sohag stated that most employers did not comply with the governorate's orders to implement the right of employment for persons with disabilities.

The Ministry of Education and the Ministry of Social Solidarity share responsibility for protecting rights of persons with disabilities. Persons with disabilities rode government-owned mass transit buses free of charge, received expeditious approval for the installation of new telephone landlines, and received reductions on customs duties for specially equipped private vehicles to accommodate disabled drivers.

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

Other Societal Abuses and Discrimination.—Although the law does not explicitly criminalize homosexual acts, police targeted homosexuals and persons with HIV/AIDS, leading to arrests on charges of "debauchery." Authorities also reportedly forced individuals in detention to undergo HIV tests and conducted abusive anal examinations. Homosexuals and persons with HIV/AIDS faced significant social stigma in society and in the workplace.

Section 6. Worker Rights

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

State-owned enterprises employed most union members, who made up approximately one-quarter of the labor force.

On December 20, civil service tax collectors established the country's first independent trade union since the creation of ETUF in 1957. According to the Land Center for Human Rights (LCHR), ETUF has about 4.5 million registered workers, fewer than 20 percent of whom work in agriculture.

The 2003 Unified Labor Law permits peaceful strikes, but only after an extended negotiation process and provided the strike is announced in advance and organized by the trade union to defend vocational, economic, or social interests. In practice, strikes are rarely, if ever, approved. To call a strike, the trade union must notify the employer and concerned administrative authority at least 10 days in advance, giving the reason for the strike and the date it would commence. Prior to this formal

notification, a two-thirds majority of the ETUF board of directors must approve the strike action. The law prohibits strikes while collective bargaining agreements are in force or during the mediation and arbitration process. The law also prohibits strikes in a lengthy list of "strategic or vital" entities in which the interruption of work could result in a disturbance of national security or basic services.

There were no formal, authorized strikes during the year; however, numerous illegal strikes and related actions took place, with complaints encompassing fears over privatization and job losses, demands for payment of promised incentives and bonuses, and issues related to health insurance and medical treatment. According to a Sons of Land Center report, between January and July workers initiated 118 sit-in protests, 68 strikes, 48 demonstrations, and five protests. Strikes were largely peaceful despite the often heavy government security presence at the larger strikes. The majority of high-profile strikes occurred in the textile industry.

On April 6, police occupied the state-owned Misr Helwan Spinning and Weaving Company and prevented 27,000 employees from gathering at the end of their shifts for a strike against low wages. Police later clashed with 2,000 protesters in the Mahalla al Kubra town square, killing four protesters and detaining at least 50, some of whom were abused.

On April 14, 3,000 workers from the Alexandria Spinning and Weaving Company initiated a strike to demand the 15-day bonus Prime Minister Ahmed Nazif had called for earlier in the month. Workers conducted a sit-in outside the headquarters with their families for one week. Employers partially accepted their demands.

On May 25, 6,000 Amereya textile workers initiated an open strike after their company completed the previously determined one-month period for the company to answer demands for a bonus and meal compensation. Security forces surrounded the building on the second day of the strike and prevented participants from entering the building, even for food or drinks. On the third day, 1,500 workers tried to enter the headquarters. Security forces tried to prevent them but the workers made it inside. There were no reported injuries. On the sixth day of the strike, a compromise granted protesters half of their demands.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining; however, the law requires tripartite negotiations—employer, workers, and government—and the Government is heavily involved in any negotiations.

On June 22, in response to a January Supreme Constitutional Court decision, an amended labor law took effect, reestablishing labor courts as the primary vehicle for labor dispute resolution and doing away with special "pentagonal committees," which were formerly responsible for resolving disputes.

The law does not permit antiunion discrimination, and there were no reports of attempted discrimination.

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

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children. Such practices were reportedly rare. There were NGO reports that women were sexually exploited through "temporary marriages" to tourists from the Gulf.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children younger than 14 to work in most sectors. The law limits the type and conditions of work that children younger than 18 may perform. In non-agricultural work, the minimum age for employment is 14 if the child has completed basic education, which is offered until age 15. Provincial governors, with the approval of the minister of education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. Children are prohibited from working for more than six hours per day, and one or more breaks totaling at least one hour must be included. Several other restrictions apply to children: they may not work overtime, during their weekly day(s) off, between 7 p.m. and 7 a.m., or on official holidays. Children are also prohibited from working for more than four continuous hours. Children under 16 are prohibited from working in 44 hazardous industries, including agricultural work involving the use of pesticides.

On March 13, NCCM Secretary-General Mushira Khattab spoke to Al Ahram Weekly about the child law amendments, calling the new penalties for child labor exploitation "relatively severe." A person convicted of forcing children below the minimum age into work faces a prison sentence of between three and six months. MOMM, working with the NCCM and the MOI, generally enforced these regulations in state-owned enterprises, but enforcement in the informal sector was lax. Employers continued to abuse, overwork, and generally endanger many working children. NGOs estimated that as many as 2.7 million children worked, 78 percent in agri-

culture. Children also worked in light industry, on construction sites, and in service businesses such as auto repair shops. Press reports continued to focus attention on the estimated 2,000–3,000 children working in stone quarries in Minya and hundreds of children working in small brick factories in the Arab Jbour area. According to credible NGO reports, street children in Egypt are at risk of being sexually exploited or forced to panhandle.

Enforcement of child labor laws remained spotty, and when offenders were prosecuted, the fines imposed were often as small as LE 500 (approximately \$90) and thus had questionable deterrent effects. The Government made progress toward eliminating the worst forms of child labor, pursuant to the UN Convention on the Rights of the Child (CRC); however, many challenges remain. The NCCM continues working with the MOMM, ETUF, ILO, World Food Program, UNICEF, and government ministries to formulate a national strategy to combat child labor and eliminate the worst forms of child labor; police officers trained on children's rights and working with juveniles coordinated with the Ministry of Education to incorporate study of the CRC into curricula and to set up social and economic projects in several governorates to transfer working children into non-hazardous activities. NCCM also worked during the year to provide working children with social security safeguards and reduce school dropout rates by providing their families with alternative sources of income.

In practice, however, these programs experienced obstacles. According to the June 28 issue of *Al Masry Al Youm* daily newspaper, NCCM noted it had made a mistake in the planning and implementation of its project for combating child labor and school dropout rates. NCCM stated that the project lacked complete coordination with the Ministry of Education.

The Government's campaign to increase public awareness of child labor issues was highlighted by workshops and conferences throughout the year. Many of these efforts were characterized by high-level government involvement. On June 25, Suzanne Mubarak, first lady and NCCM President, led a conference on how best to address the economic cost of curbing child labor.

e. Acceptable Conditions of Work.—The Government did not set a formal private sector minimum wage, although general public sector compensation practices, including a public sector minimum wage, were followed. The public sector minimum wage frequently did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay.

The National Council of Wages determined working hours for government and public sector employees, but there were no standards for the private sector. The law stipulates that the maximum work week is 48 hours. Most private sector employees work five days per week, usually Sunday to Thursday.

Overtime for hours worked beyond 36 hours per week is payable at the rate of 35 percent extra for daylight hours and 70 percent extra for work performed at night. The premium for work on rest days is 100 percent and workers should receive 200 percent for work on national holidays. The labor law permits overtime work in limited circumstances.

The Ministry of Labor sets and enforces worker health and safety standards, which also apply in the EPZs; enforcement and inspections were uneven. The law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

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

IRAN

The Islamic Republic of Iran,¹ with a population of approximately 70 million, is a constitutional, theocratic republic in which Shia Muslim clergy dominate the key power structures. Government legitimacy is based on the twin pillars of popular sovereignty—albeit restricted—and the rule of the Supreme Leader of the Islamic Revolution. The current supreme leader, Ayatollah Ali Khamenei, was not directly elected but chosen by a directly elected body of religious leaders, the Assembly of Ex-

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

perts, in 1989. Khamenei's writ dominated the legislative, executive, and judicial branches of government. He directly controlled the armed forces and indirectly controlled the internal security forces, the judiciary, and other key institutions. The legislative branch is the popularly elected 290-seat Islamic Consultative Assembly, or Majles. An unelected 12-member Guardian Council reviewed all legislation passed by the Majles for adherence to Islamic and constitutional principles and also screened Presidential and Majles candidates for eligibility. In 2005 hardline conservative Mahmoud Ahmadi-Nejad won the presidency in an election widely viewed by the international community as neither free nor fair. Civilian authorities did not fully maintain effective control of security forces.

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. The Government severely limited citizens' right to change their government peacefully through free and fair elections. The Government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial deaths and committed other acts of politically motivated violence, including torture. The Government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the Government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and fair public trials. The Government severely restricted civil liberties, including freedoms of speech, expression, assembly, association, movement, and privacy, and it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and incitement to anti-Semitism remained problems. The Government severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively, and arrested numerous union organizers. Child labor remained a serious problem. On December 18, for the sixth consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing "deep concern at ongoing systematic violations of human rights."

RESPECT FOR HUMAN RIGHTS

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

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

On January 6, security forces arrested Kurdish-Iranian student Ebrahim Lotfallahi as he left a university exam. According to a domestic human rights group, the revolutionary court in the province of Sanandaj had issued an arrest warrant, but Lotfallahi's family was not aware of the charges against him. Nine days later, the authorities notified Lotfallahi's family of his death and told them he had committed suicide in prison. Intelligence officials buried Lotfallahi in secret against the wishes of his family, who did not believe he had committed suicide. On February 9, the judiciary announced there would be no autopsy conducted on Lotfallahi, nor an investigation into his death. According to the domestic press, intelligence officials threatened to file charges against Lotfallahi's family for publicly questioning the suicide claim.

On May 16, family members alleged that Kurdish political prisoner Kaveh Azizpour died in police custody due to torture, according to press reports. Authorities had arrested Azizpour in 2006 and charged him with supporting the banned Kurdish Democratic Party of Iran. Judiciary officials stated that 25-year-old Azizpour died as a result of a stroke, but family members argued that the stroke was caused by torture.

On November 27, according to domestic human rights activists, security agents in Zahedan entered a private home and severely beat Bahman Rigi and a man identified only as "Mohammad" before taking them to an undisclosed location. Four days later, officials notified Mohammad's family that he had died in custody due to withdrawal from methamphetamines. Mohammad's family stated he did not have a history of drug use and that his body showed obvious signs of severe abuse such as a cranial fracture, bruises, and broken fingers. According to activists, authorities targeted Rigi and Mohammad because they were members of the Baluch ethnic group.

On December 21, according to domestic press reports, Ali Sadeqi, a prisoner in Dastgerd Prison in Isfahan whom authorities arrested on charges of drug trafficking, allegedly died from torture while in custody.

There were no updates in the May 2007 killing of 11-year-old Roya Sarani, reportedly by members of the Law Enforcement Forces (LEF). The Government did not investigate the incident.

On February 26, judiciary officials reportedly agreed to exhume the body of Zahra Bani-Ameri (also known as Zahra Bani-Yagoub) at the request of her family to determine the cause of her death; by year's end this had not happened. In October 2007 Bani-Ameri, a 27-year-old female physician, died while in custody in the town of Hamedan. Security forces arrested her and her fiancé in a public park on charges of having an "illegal relationship." The next day, officials informed her family that she committed suicide while in detention.

According to international press reports, authorities executed approximately 240 individuals during the year following unfair trials (trials conducted in secret or without adhering to basic principles of due process). Exiles and human rights monitors alleged that many persons supposedly executed for criminal offenses, such as narcotics trafficking, were political dissidents. The law criminalized dissent and applied the death penalty to offenses such as apostasy (conversion from Islam), "attempts against the security of the state," "outrage against high-ranking officials," and "insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic."

On August 4, authorities in Zahedan executed journalist and education activist Yaghoob Mirnehad after a secret trial in which he was accused of ties to the militant group People's Resistance Movement of Iran (formerly Jundallah). Human rights organizations believe Mirnehad, an ethnic Baluch, was targeted because he criticized local government officials in Sistan va Baluchistan province.

Public executions continued throughout the year despite the judiciary chief's January 30 directive banning them (except in cases he approved). On July 10, officials in Bushehr province hanged four men in a public square in Borazjan. On July 14, a government-owned radio station reported that six men were publicly hanged in Khorasan province. The report did not identify the men by name and provided no details of the charges against them.

The Government executed minors and juvenile offenders despite an October 15 judicial directive banning the practice. Three days after the prohibition was announced, Hussein Sebhi, deputy for judicial affairs to the prosecutor general, told the press the ban applied only to narcotics cases and judges did not have the authority to vacate the death penalty in murder cases. On September 2, UN Commissioner for Human Rights Navi Pillay called on the Government to end the practice of juvenile executions. According to press reports, authorities executed at least eight juvenile offenders during the year, and approximately 130 remained on death row at year's end.

For example, on June 10, authorities in Sanandaj executed 16-year-old Mohammad Hassanzadeh for his alleged role in the death of another youth. Hassanzadeh was 14 at the time of the incident.

On August 19, authorities in Isfahan hanged 20-year-old Seyyed Reza Hejazi for his alleged role in the death of a man during a fight involving several others. Hejazi, who was 15 at the time, insisted he did not intend to kill the man. According to human rights organizations, authorities failed to give Hejazi's lawyer 48 hours' notice of the pending execution as required by law.

During the year, the Government did not investigate allegations from human rights groups that authorities in the southeastern province of Sistan va Baluchistan executed at least 50 detainees in 2007 after reportedly unfair trials for attacks against government officials.

In January 2007 three UN independent experts released a joint statement calling on the Government to halt the imminent executions of seven Ahvazi Arabs—Ghasem Salami, Mohammad Lazem Kaabpour, Abdolamir Farjolah Kaab, Alireza Asakereh, Majad Albughbish, Adolreza Sanawati and Khalaf Dohrab Khanaferreh—after unfair trials in Khuzestan province. The status of these individuals was unknown at year's end. On January 29, officials executed Ahvazi activist Zamel Bawi without providing his lawyer 48 hours' notice, as required by law.

Adultery remained punishable by death by stoning. On July 20, the international press reported that courts sentenced eight women and one man to death by stoning for adultery and sex-related offenses. On August 5, judiciary spokesman Ali Reza Jamshidi announced that the Government had suspended several stoning sentences and commuted four to lashings or prison terms. However, according to domestic human rights activists, on December 25, officials in Mashhad executed two men by stoning, including Houshang Koudadadeh, who was convicted of rape and adultery. A third convicted man, identified only as Mahmoud G., escaped during the stoning.

On January 14, according to domestic press reports, the case of the 2003 death of Zahra Kazemi, a dual Iranian-Canadian citizen, was returned to the public pros-

ecutor's office and the Tehran appeals court to be reinvestigated. This action followed the Supreme Court's December 2007 annulment of the original verdict of the primary court. Kazemi, a photojournalist arrested for taking pictures outside Tehran's Evin Prison during a student-led protest, died in custody in 2003 after security forces tortured her. Authorities admitted she died as a result of a blow to the head but claimed the death was "unintentional," and acquitted an intelligence officer in 2004.

b. Disappearance.—There were reports of politically motivated abductions during the year. Plainclothes officers or security officials often seized journalists and activists without warning and held them in incommunicado detention for several days before permitting them to contact family members. Families of executed prisoners did not always receive notification of their deaths.

In January Sunni cleric Ayoub Ganji disappeared after delivering a Friday sermon in Sanandaj in which he criticized the Government's exclusion of candidates in the Majles elections, as well as the custodial death of Ebrahim Lotfallahi. After two weeks, an unmarked car dropped Ganji off in Sanandaj; supporters had threatened to hold mass protests over his disappearance. According to Human Rights Watch (HRW), Ganji was in poor physical condition and suffered from hallucinations and amnesia.

The Iranial-American Jewish Federation reported that 11 Jewish men who disappeared in 1994 and 1997 remained missing. In 2007 witnesses claimed they saw some of the men in Evin Prison.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit torture; however, there were numerous credible reports that security forces and prison personnel tortured detainees and prisoners.

Common methods of torture and abuse in prisons included prolonged solitary confinement with sensory deprivation, beatings, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings on the ears, inducing partial or complete deafness; punching the area around the eyes, leading to partial or complete blindness; and the use of poison to induce illness. According to HRW, student activists were particularly likely to be subjected to torture and abuse.

In March 30-year-old student activist Ahmad Batebi fled the country; authorities had permitted him to leave Evin Prison temporarily for medical treatment related to a partial stroke. Batebi, whose death sentence for his involvement in a 1999 student protest was commuted to 15 years in prison, stated prison and security officials thrashed him with a metal cable, beat his testicles, kicked in his teeth, and forced his face into a pool of excrement. Batebi stated authorities often tied him to a chair and kept him awake for multiple days and nights, cutting him and rubbing salt into the wounds.

In October Peyman Fatahi was hospitalized after security officials reportedly beat him severely after summoning him for questioning related to his association with a group known as the "Ale-Yasin community." Authorities first arrested Fatahi in June 2007 and conditionally released him after holding him for six months in Evin Prison on charges of "acting against national security." Group members alleged that he was also severely beaten during his 2007 imprisonment.

In January 2007 former political prisoner Kianush Sanjari alleged that he was subjected to "white torture" for extended periods of time while detained at Evin Prison in late 2006. This is a form of extreme sensory deprivation in which prisoners are not shown colors and are held in complete silence (solitary confinement). According to activists, this kind of torture leaves no physical trace, but instead attempts to crush the prisoner psychologically.

In July 2007 the families of three student activists arrested in May and June 2007 sent an open letter to the judiciary chief alleging that security forces tortured their sons in Evin Prison where they remained in solitary cells during the year. Although the judiciary chief reportedly ordered an investigation into the allegations, according to human rights activists, the results of the investigation were not released to the public.

On April 10, HRW called for the Government to investigate allegations of torture of activists Behrooz Karimizadh, Peyman Piran, Ali Kantouri and Majid Pourmajid, members of the organization Students Seeking Freedom and Equality whom authorities arrested in December 2007.

Some judicially sanctioned corporal punishments constituted cruel and inhuman punishment, including amputation for multiple theft offenses and lashings and execution by stoning for adultery. In January authorities in Sistan va Baluchistan

province amputated the right hands and left feet of five men convicted of armed robbery and kidnapping. On December 15, according to domestic press reports, prison authorities amputated the hand of a man convicted of robbery. Also in December a court sentenced a man to be blinded with battery acid after the man was convicted of doing the same to a woman who had declined his marriage proposals. The sentence had not been carried out by year's end.

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

Prison and Detention Center Conditions.—Prison conditions were poor. Many prisoners were held in solitary confinement or denied adequate food or medical care as a way to force confessions. Overcrowding was a significant problem. In September the UK-based International Center for Prison Studies reported that more than 150,000 prisoners occupied facilities constructed to hold a maximum of 65,000 persons. Numerous prisoners complained that authorities intentionally exposed them to extreme cold for prolonged periods.

Some prison facilities, including Evin Prison, were notorious for cruel and prolonged torture of political opponents of the Government. Authorities also maintained "unofficial" secret prisons and detention centers outside the national prison system, where abuse reportedly occurred.

Human rights activists and international press reported cases of political prisoners confined in the same wing as violent felons. In December journalist Shahnaz Gholami, imprisoned for "jeopardizing national security," began a hunger strike to protest being held in a ward with convicted murderers and drug dealers. There were also reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners.

The Government did not permit independent monitoring of prison conditions by any outside groups, including the International Committee of the Red Cross (ICRC). In September 2007 the Government granted foreign journalists a tour of Evin Prison for the second time in two years. According to Agence France-Presse (AFP), during the visit the director of Tehran prisons, Sohrab Soleimani, denied that there were political prisoners in Evin Prison but told the journalists there were 15 prisoners in Evin on "security" charges.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, these practices remained common.

Role of the Police and Security Apparatus.—Several agencies share responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), the LEF under the Interior Ministry, and the Iran Revolutionary Guard Corps (IRGC). The Basij and various informal groups known as the "Ansar-e Hizballah" (Helpers of the Party of God) were aligned with extreme conservative members of the leadership and acted as vigilantes.

Corruption and impunity were problems. The regular and paramilitary security forces both committed numerous, serious human rights abuses, but there were no transparent mechanisms to investigate security force abuses and no reports of government actions to reform them.

Arrest and Detention.—The constitution and penal code require warrants or subpoenas for arrests and state that arrested persons must be informed of charges within 24 hours; however, these safeguards rarely occurred in practice. Detainees often went weeks or months without charges or trial, and authorities held detainees incommunicado, frequently denying them prompt contact with family or timely access to legal representation. In practice there was neither a legal time limit for incommunicado detention nor any judicial means to determine the legality of the detention. According to the law, the state is obligated to provide indigent defendants with attorneys only for certain types of crimes. The courts set bail at prohibitively high levels, even for lesser crimes. Detainees and their families were often compelled to submit property deeds to post bail. Prisoners released on bail did not always know how long their property would be retained or when their trials would be held.

There were numerous reports of arbitrary and false arrests during the year.

On February 21, authorities arrested Ebrahim Mirnehad, the brother of journalist Yaghoob Mirnehad, executed on August 4 for alleged ties to separatists. Security agents also reportedly arrested his companion, Fazlorahman Jahras. On September 16, a court in Zahedan sentenced Mirnehad to five years' imprisonment on charges of "acting against national security" and "spreading propaganda." According to Amnesty International (AI), these charges related to his public condemnation of the death sentence imposed on his brother. Authorities reportedly did not grant

Mirnehad access to a lawyer and tortured him in custody. Authorities released Jahras.

Adherents of the Baha'i faith continued to face arbitrary arrest and detention. In March and May intelligence agents arrested all seven members of the Baha'i national leadership body and held them in incommunicado detention. On November 26, authorities extended the detention orders for all seven prisoners by an additional two months. At year's end charges had not been filed against the group.

In late June security agents seized brothers Arash and Kamiar Alaei from their mother's home in Tehran. The two physicians, both internationally known HIV/AIDS experts, were held incommunicado in Evin Prison. On December 31, prosecutors in a revolutionary court began to try the brothers for "communicating with an enemy government," a crime which carries a sentence of up to 10 years' imprisonment. According to the doctors' attorney, the Government also made secret charges against the brothers. Neither the brothers nor their attorney were informed of the charges, or provided a chance to defend themselves against them. At the end of the year, the Alaeis remained in Evin Prison, and authorities did not allow them to post bail.

In August authorities arrested university professor Mehdi Zakerian for offenses related to national security, including espionage, according to reports from his family. AI speculated that Zakerian's arrest may have been related to his plans to leave the country for a job at a foreign university. After an October 7 meeting with him supervised by security agents, members of Zakerian's family expressed concern that he might have been tortured in prison. Authorities released Zakerian from detention in mid-October.

In early December, three men claiming to be security officers detained and interrogated an American academic for unspecified reasons on two separate occasions for a total of nine hours in his hotel room. The men threatened to prevent the American, traveling in the country as part of a science exchange program, from leaving the country.

During the year and in 2007 security forces separately arrested several Iranian-American activists and academics on charges of espionage and "acting against national security." Prison authorities subjected the individuals to harsh interrogation techniques and solitary confinement and in most cases kept them in prison for several months.

During the year, authorities released Somaye Bayanat, ex-wife of former political prisoner Ahmed Batebi. Bayanat, a dentist, had been detained on charges of forging medical documents and performing illegal abortions since her arrest by plainclothes security forces in February 2007.

Pretrial detention often and arbitrarily was lengthy, particularly in cases in which violations of national security laws were alleged. Of the prisoners held in state prison facilities, reportedly about one-quarter were pretrial detainees.

In recent years the Government used house arrest to restrict the movements and communications of senior Shia religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy; however, there were no new instances of this practice publicly reported during the year.

e. Denial of Fair Public Trial.—The constitution provides that the judiciary is "an independent power"; in practice the court system was corrupt and subject to government and religious influence. After the 1979 revolution, the judicial system was revised to conform to an Islamic canon based on the Koran, "Sunna" (the traditions of the Prophet), and other Islamic sources. The constitution provides that the head of the judiciary shall be a cleric chosen by the supreme leader. The head of the Supreme Court and prosecutor general also must be clerics. Women continued to be barred from serving as certain types of judges.

There are several court systems. The two most active are traditional courts, which adjudicate civil and criminal offenses, and Islamic revolutionary courts. The latter try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics and economic crimes, and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes connected with military or security duties. A press court hears complaints against publishers, editors, and writers. The Supreme Court has review authority over some cases, including appeals of death sentences.

Trial Procedures.—Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. For example, according to the constitution and the criminal procedure code, a defendant has the right to a public trial, presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases involving major penalties. However, these rights were not respected in practice.

Panels of judges adjudicate trials. There is no jury system in the civil and criminal courts. In the press court, a council of 11 persons specifically selected by the court adjudicates the case. Defendants did not have the right to confront their accusers, and were not granted access to government-held evidence.

UN representatives, including UN special representatives (UNSRs) and the UN Working Group on Arbitrary Detention, as well as independent human rights organizations, noted the absence of procedural safeguards in criminal trials. Numerous human rights groups condemned trials in the revolutionary courts for disregarding international standards of fairness. Revolutionary court judges were chosen in part due to their ideological commitment to the system. Authorities often charged individuals with undefined crimes, such as “antirevolutionary behavior,” “moral corruption,” and “siding with global arrogance.” If postrevolutionary statutes did not address a situation, the Government advised judges to give precedence to their knowledge and interpretation of Islamic law. Secret or summary trials of only five minutes’ duration occurred frequently. Other trials were deliberately designed to publicize a coerced confession.

The legitimacy of the special clerical court system continued to be subject to debate. The clerical courts, which investigate offenses and crimes committed by clerics and which are overseen directly by the supreme leader, are not provided for in the constitution and operated outside the domain of the judiciary. According to a 2007 AI report, defendants could only be represented by court-nominated clerics who are not required to be legally qualified. AI reported that in some cases the defendant was unable to find a person among the nominated clerics willing to act as defense counsel and was tried without legal representation. Critics alleged clerical courts were used to prosecute clerics for expressing controversial ideas and participating in activities outside the sphere of religion, such as journalism or reformist political activities.

Political Prisoners and Detainees.—Exact data regarding the number of citizens imprisoned for their political beliefs were not available; however, human rights activists estimated the number in the hundreds. Although there were few details, the Government arrested, convicted, and executed persons on questionable criminal charges, including drug trafficking, when their actual “offenses” were political. The Government charged members of religious minorities with crimes such as “confronting the regime” and apostasy, and conducted trials in these cases in the same manner as it would treat threats to national security.

Authorities occasionally gave political prisoners suspended sentences or released them for short or extended furloughs prior to completion of their sentences, but they could be ordered back to prison at any time. These suspended sentences often were used to silence and intimidate individuals. The Government also controlled political activists by holding a file in the courts that could be opened at any time and attempted to intimidate the activists by calling them in repeatedly for questioning. Numerous observers considered Tehran public prosecutor Saeed Mortazavi the most notorious persecutor of political dissidents and critics.

Authorities routinely held political prisoners in solitary confinement for extended periods of time and denied them due process and access to legal representation. Political prisoners were also at greater risk of torture and abuse while in detention. The Government did not permit access to political prisoners by international humanitarian organizations.

The Government reportedly held some persons in prison for years under charges of sympathizing with outlawed groups, such as the terrorist organization Mujahedin-e-Khalq (MEK).

On January 14, police arrested writer and student leader Amin Ghazaini along with 14 other students. At year’s end, according to AI, authorities reportedly held him in solitary confinement in Evin Prison without charge or trial despite several health problems. Authorities reportedly tortured him and denied him access to family or counsel.

On July 19, a court sentenced political prisoner Behrouz Javid-Tehrani, first arrested during the 1999 student uprising, to three more years in prison following a secret trial in which he did not have legal representation. According to human rights organizations, he was convicted of having contact with foreign opposition groups. At the time of the most recent conviction, Javid-Tehrani was in solitary confinement in Gohardasht Prison in Karaj. Javid-Tehrani alleged security agents severely tortured him on numerous occasions while he was incarcerated.

On February 27, authorities released Azeri cultural and linguistic rights activist Jelil Ghanilou after he posted bail of 860 million rials (approximately \$86,000). Ghanilou claimed he faced torture and constant interrogation after his February 2007 arrest. He was neither charged nor given access to legal representation. AI

considered Ghanilou a “prisoner of conscience,” detained solely because of the peaceful exercise of his right to freedom of expression in connection with his participation in International Mother Language Day. Authorities released him on bail but rearrested him in May 2007 following demonstrations marking the anniversary of the 2006 publication of a cartoon many Iranian Azeri activists considered offensive.

On May 11, a revolutionary court sentenced Azeri human rights lawyer Saleh Kamrani to a five-year suspended sentence after charging him with “publicity against the Islamic Republic.” In August 2007 security forces detained Kamrani and did not inform his family of his whereabouts for several days. Authorities released him in December 2007 after he paid approximately 1.5 billion rials (approximately \$150,000) in bail.

On July 12, a Tehran revolutionary court upheld an eight-year prison sentence against political activist Abbas Khorsandi for “acting against national security through formation of an illegal association.” According to human rights groups, Khorsandi founded the Iran Democratic Party, an Internet forum for political debate. Security forces arrested him at his shop in Tehran province in September 2007 and held him incommunicado for three months. At year’s end Khorsandi remained in Evin Prison and was reportedly not allowed to see a doctor despite being in ill health.

On April 7, Hadi Qabel, a reformist cleric and member of the reformist political group Islamic Iran Participation Front, began a 40-month term in prison for acting against national security, propaganda against the state, and disturbing public opinion. Qabel, who was tried by the special court for the clergy, also was defrocked. After his initial arrest in September 2007, more than 580 activists and academics released a statement calling for Qabel’s release. According to press descriptions, the statement called Qabel’s arrest and others an attempt by the Government to create a “suffocating environment” in advance of the 2008 Majles elections.

On October 5, authorities officially released journalist and human rights lawyer Emadoldin Baghi, head of the Society for the Defense of Prisoners’ Rights, three days before the end of the one-year sentence he was serving. Officials provisionally released Baghi on September 15 to seek treatment for severe health problems he developed while in custody. In July 2007 a revolutionary court convicted Baghi of “activities against national security” and “publicity in favor of the regime’s opponents” for his public criticism of the death sentences imposed on several Iranian Arabs in 2005. The court also reportedly sentenced Baghi’s wife and daughter to three years in prison, suspended in favor of five years’ probation for “assembly and collusion with the aim of committing offenses against the country’s national security.” While serving his prison sentence, prosecutors brought new charges against Baghi related to his criticism of the treatment of imprisoned human rights activist Sayed Ali Akbar Mousavi-Kho’ini. At year’s end these charges were pending.

On November 8, according to press reports, authorities rearrested Ali Nikunesbati, spokesman for the student group Office for Consolidating Unity. Nikunesbati’s father said security agents also confiscated his computer and personal documents from his home. In 2007 security forces detained Nikunesbati twice for his role in student protests.

In November supporters of dissident cleric Ayatollah Mohammad Kazemeini Boroujerdi reported that prison authorities severely beat him and moved him from Evin Prison to an undisclosed location despite appeals for release on medical grounds. Police arrested Boroujerdi at his home in 2006, reportedly after he had come under increased pressure from the Government for his belief that religion and the state should be separated. Boroujerdi has been arrested and imprisoned several times since 1992 and claimed he was tortured and threatened with execution. In October authorities also rearrested nine of 70 of his followers who were originally arrested in late 2006 and released in 2007.

On October 29, authorities released Azeri activist Abbas Lisani after he completed two consecutive sentences totaling 30 months in prison for participation in two demonstrations. According to AI, security agents interrogated Lisani for 10 hours in early October about his post-release plans, and the Ardebil general prosecutor personally threatened Lisani and his family.

Civil Judicial Procedures and Remedies.—By law, the judiciary was independent from the executive and legislative branches; in practice it remained under the influence of executive and religious government authorities. According to the constitution, under the supervision of the head of the judiciary, the Court of Administrative Justice investigates the grievances of citizens with regard to government officials, organs, and statutes. In practice, citizens’ ability to sue the Government was limited. It appeared that citizens were not able to bring lawsuits against the Govern-

ment for civil or human rights violations. Dispute resolution councils are available to settle minor civil and criminal cases through mediation before referral to courts.

Property Restitution.—The constitution allows the Government to confiscate property acquired either illicitly or in a manner not in conformance with Islamic law. The UNSR on adequate housing noted religious minorities, including members of the Baha'i faith, were particularly targeted. The UNSR's 2006 report noted the "abusive use of (the law) is seen as an instrument for confiscating property of individuals as a form of retribution for their political and/or religious beliefs." The report noted documentation of approximately 640 Baha'i properties confiscated since 1980, instances of numerous undocumented cases, and court verdicts declaring confiscation of property from the "evil sect of the Baha'i" legally and religiously justifiable. Rights of members of the Baha'i faith were not recognized under the constitution, and they had no avenue to seek restitution of or compensation for confiscated property.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law"; however, the Government routinely infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations and Internet communications, and opened mail without court authorization. There were widespread reports that government agents entered, searched, or ransacked the homes and offices of reformist journalists in an attempt to intimidate them.

Vigilante violence included attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts. During the year, the Government continued its crackdown on "un-Islamic dress" or "bad hijab" (headcovering). According to press reports, morality police stopped or detained more than two million individuals during the year and in 2007 for "inappropriate hairstyles" or wearing headscarves that revealed too much hair. There were reports that police used force in these instances less frequently after an image of a girl's face covered in blood following a beating by police for un-Islamic dress was circulated widely in 2007. According to press reports, the Tehran police chief stated the girl had "instigated the incident herself." In December, according to press reports, police in the northern city of Qaemshahr arrested 49 persons for "appearing in public wearing satanic fashions and unsuitable clothing."

There were also reports during the year that the MOIS pressured families of political prisoners, banning them from speaking to foreign press and blocking their telephone conversations. Radio Free Europe journalist Parnaz Azima, sentenced in absentia in March to a one-year prison sentence for "propaganda against the regime," stated the Government threatened to seize her 95-year-old mother's home if she did not return to the country to serve the sentence.

Authorities entered homes to remove satellite TV dishes, although the majority of satellite dishes in individual homes reportedly continued to operate.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of expression and of the press, except when it is deemed "detrimental to the fundamental principles of Islam or the rights of the public." In practice the Government severely restricted freedom of speech and of the press. HRW reported that authorities "systematically suppressed freedom of expression and opinion" during the year. Basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by the Government, notably the judiciary. Censorship, particularly self-censorship, limited dissemination of information during the year. Journalists were frequently threatened as a consequence of their work.

The Government continued to crack down on underground music groups (any group that fails to obtain a recording license from the Ministry of Culture and Islamic Guidance). In October, according to human rights activists, security forces arrested a group of rap musicians returning from a trip to Dubai. Eyewitnesses reported seeing them in Evin Prison. Rap music is forbidden in the country; according to the BBC, it is particularly popular among young men due to its political, social, and sexual lyrics.

In December the Tehran prosecutor general announced the creation of a special office to review Internet and text message-related crimes associated with the June 2009 Presidential election.

The country's media outlets were varied, including state-controlled television, radio, and print publications, as well as private newspapers and magazines that

cover current affairs, politics, the arts, and sports. The Government closely monitored all media outlets, and private media lacked independence in practice. Press members who failed to abide by the Government's guidelines faced intimidation, arrest, or closure of their publications. As a result, the Government held significant influence over all media in the country. The Government's Press Supervisory Board (PSB) was responsible for issuing press licenses, which it sometimes revoked in response to critical articles, and for examining complaints filed against publications or individual journalists, editors, or publishers.

International media did not operate freely; the Government required foreign correspondents to provide detailed travel plans and proposed stories before granting visas, and it closely monitored and attempted to influence reporting to garner more favorable coverage. Authorities did not renew the visa and residence permit for Robert Tait, a British correspondent for *The Guardian*, forcing Tait to leave the country on January 4. Tait had previously been ordered to leave the country in March 2007 but had successfully appealed the order. On July 22, authorities ordered AFP's Tehran bureau chief Stuart Williams to leave the country, despite Williams' possession of a valid resident's permit. This happened less than two weeks after the AFP reported that the Government doctored pictures of a recent missile test.

The Government, through a state-controlled entity called the Voice and Vision Organization, directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the Government's political and socioreligious ideology. Because newspapers and other print media had limited circulation outside large cities, radio and television served as the principal news source for many citizens. Satellite dishes that received foreign television broadcasts were forbidden, and the Government periodically confiscated them from homes. Private broadcasting was illegal.

The Government imposed significant restrictions on press outlets and banned or blocked some publications that were critical of the Government, including *Zanan*, *Asr-e Panjshanbeh*, *Rah-e Ayandeh*, *Tehran Emrouz*, *Hamshahri*, *Sargarmi*, and *Sharvand-e Emrouz*. The Government banned *Kargozaran* for publishing an excerpt from a statement by a student group that criticized Hamas actions during the crisis in Gaza. The closure of reformist newspapers led to unemployment among progressive journalists, effectively silencing them. On March 16, the PSB announced the closure of nine cinema and lifestyle magazines for publishing pictures and stories about the life of "corrupt" foreign film stars and promoting "superstitions." On March 20, domestic press reported that the Government had banned 27 publications in 2007.

The PSB referred complaints to the press court for further action, including closure. The court's hearings were conducted in public with a jury composed of appointed clerics, government officials, and editors of government-controlled newspapers. Public officials often lodged criminal complaints against reformist newspapers that led to their closure, along with fines for offending writers. Some human rights groups asserted that the increasingly conservative press court assumed responsibility for cases before PSB consideration.

The press law forbids censorship but also forbids disseminating information that may damage the Islamic Republic or offend its leaders and religious authorities, and censorship occurred. Government officials also routinely intimidated journalists into practicing self-censorship.

On January 15, an Interior Ministry official told an Iranian Students News Agency reporter the media could not use the names of unauthorized political parties. In September 2007 the deputy interior minister announced that "publications and other media outlets are forbidden from writing about parties or political groups that have not obtained a license." These actions followed other reports of government efforts to limit political debate and the spread of information in advance of the Majles elections.

On April 26, Minister of Culture and Islamic Guidance Mohammad Hossein Saffal-Harandi told publishers and writers that they "were aware of the vetting code, so (they should) censor pages which are likely to create a dispute" and urged writers to observe the country's "religious, moral, and national sensitivities."

On September 30, according to a press report, former Deputy Interior Minister Mostafa Tajzadeh stated that the Government imposed censorship regarding the Government's nuclear policy "to the greatest degree."

There were no updates to the July 2007 announcement by the head of the President's public relations office regarding the creation of a special team to confront publications critical of the Government.

During the year, the Government detained, jailed, tortured, or fined numerous publishers, editors, and journalists (including Internet media) for their reporting. The penal code states that "anyone who undertakes any form of propaganda against

the state” can be imprisoned as long as one year; the law does not define “propaganda.” The law also subjects writers to prosecution for instigating crimes against the state or national security or “insulting” Islam; the latter offense is punishable by death.

On June 13, authorities reportedly arrested journalist Mahboubeh Karami after she criticized police for beating demonstrators. She was held on a charge of “activity against national security” in Evin Prison. Authorities released Mahboubeh on August 26 after she paid bail.

On July 25, Intelligence Ministry officials arrested Kurdish journalist Saman Rasoulpour and detained him on charges of “distributing propaganda against the state.” He was released on bail on August 13. Rasoulpour works for a domestic non-governmental organization (NGO) and writes for the publication Rooz Online.

On September 10, authorities arrested four Azeri journalists—Alireza Safari, Said Mohamadi, Hossain Rashedi, and Akbar Azad—as they met with a political activist in Tehran. According to NGO reports, on September 17, a judge ordered they be detained without access to a lawyer and without informing their families of the charges against them. They were reportedly released on bail on November 11.

On March 1, a Tehran court sentenced Radio Free Europe journalist Parnaz Azima in absentia to a one-year prison sentence for “propaganda against the regime,” according to Reporters Without Borders (RSF). Authorities confiscated Azima’s passport in January 2007 when she entered the country and prevented her from leaving for eight months. At year’s end she remained in self-imposed exile. In January authorities allowed French-Iranian filmmaker Mehrnoushe Solouki to leave the country, according to RSF. In February 2007 authorities arrested Solouki for “intent to commit propaganda against the regime” after she discovered a mass grave outside Tehran in the course of her research on the burial rites of some religious minorities. After one month in Evin Prison, she was released on bail, but the Government held her passport and prevented her from leaving the country for 10 months.

On June 11, a Tehran revolutionary court reportedly gave journalist Said Matinpour an eight-year suspended sentence for “publicity against the Islamic Republic” and “maintaining relations with foreigners.” Matinpour was arrested in May 2007 and held in pretrial detention until his release on bail on February 26, with no contact with his family or lawyer for most of that time.

In August the supreme leader conditionally released student journalists Ahmad Ghassaban, Ehsan Mansouri, and Majid Tavakoli from prison. They had been detained since May and June 2007 on national security charges related to a publication in a university newspaper.

On March 1, a court sentenced journalist Bahman Ahmadi Amoei to a six-month suspended sentence for “activity against national security.” Police arrested Amoei, who works for the publication Sarmayeh, in June 2007 while he was covering a demonstration in Tehran. At year’s end, authorities were holding his passport, preventing him from leaving the country.

On March 17, a court sentenced Kurdish journalist Abdolvahed “Hiva” Boutimar to death for a second time on espionage-related charges. The original July 2007 death sentence against Boutimar was overturned in October 2007 on a procedural point, but his case was retried. On September 4, the Supreme Court overturned a death sentence against Kurdish journalist Adnan Hassanpour. The death sentence against Hassanpour was originally issued in July 2007 and following an appeal was upheld by the Supreme Court in December 2007. Hassanpour, the cousin and colleague of Boutimar, currently faces retrial on espionage-related charges.

The Ministry of Culture and Islamic Guidance must grant permission to publish any book, and it inspected foreign printed materials prior to their domestic release.

Internet Freedom.—According to NGO reports, the Government increased control over the Internet during the year as more citizens used it as a source for news and political debate. Government and independent reports estimated that approximately 18 to 23 million citizens used the Internet. The Government imposed limits on Internet speed and technology, making it more difficult to download Internet material or to circumvent government restrictions to access blocked Web sites. In December RSF reported that the Government censored 38 Web sites during the year.

All Internet service providers (ISPs) must be approved by the Ministry of Culture and Islamic Guidance, and the Government used filtering software to block access to domestic blogs and some Western Web sites, reportedly including the Web sites of prominent Western news organizations and NGOs. The Government required all owners of Web sites and blogs in the country to register with the Ministry of Culture and Islamic Guidance; however, in practice this regulation was rarely enforced.

In February authorities banned five Web sites “for poisoning the public domain,” according to RSF. One of the sites, which was operating again at year’s end, had criticized Ayatollah Khomeini’s grandson after he questioned the Government’s disqualification of Majles election candidates.

On April 8, authorities arrested blogger and journalist Esmail Jafari and seized his computer equipment, which allegedly held photos of a demonstration in Bushehr. Officials released Jafari on April 24, but on December 6, a court sentenced him to five months in prison for “antigovernment publicity.” At year’s end he was free pending an appeal.

On April 22, security forces arrested blogger Omidreza Mirsayafi and detained him for 41 days in Evin Prison. On December 15, a revolutionary court in Tehran sentenced him to 30 months in prison for propaganda against the state and criticism of the supreme leader.

On May 9, authorities blocked access to Mehdi Mohseni’s blog after a post describing problems caused by pollution in Khuzestan. The Government has reportedly blocked access to this site four times since 2004.

On May 21, the Government blocked access to at least 14 feminist Web sites in anticipation of the upcoming Presidential election, according to NGO reports. All of the sites had supported the “One Million Signatures” campaign to change the country’s laws that discriminate against women.

On August 12, the Government began filtering the Web site Alef, making it inaccessible to users inside the country, according to a domestic report. The report indicated that the site had questioned the validity of new Interior Minister Ali Kordan’s degree from Oxford University. The filtering was lifted on August 30, following an order from the judiciary chief.

On November 29, according to RSF, a clerical court sentenced online journalist Mojtaba Lotfi to four years in prison and a five-year banishment from his home city of Qom for publishing a sermon by Ayatollah Hussein Ali Montazeri that was critical of the President. Authorities arrested Lotfi in October. He was previously arrested in 2004 on similar charges.

On November 20, security officers arrested well-known blogger Hossein Derakhshan in Tehran. At the end of the year, judiciary officials confirmed they were holding Derakhshan but did not specify the charges against him.

In November authorities arrested blogger and activist Shahnaz Gholami for publishing “propaganda against the Islamic Republic” and “jeopardizing national security.” A court sentenced her to six months in prison.

Academic Freedom and Cultural Events.—The Government significantly restricted academic freedom. In 2006 President Ahmadi-Nejad called for the removal of secular and liberal professors from universities. Reports indicated dozens of university professors were dismissed, forced to retire, or denied sabbaticals abroad since 2006. To obtain tenure, professors had to refrain from criticism of the authorities.

Admission to universities was politicized; in addition to standardized exams, all applicants had to pass “character tests” in which officials eliminated applicants critical of the Government’s ideology. Members of the Basij were given advantages in the admissions process. Student groups reported that a “star” system inaugurated by the Government in 2006 to rank politically active students was still in use. Students deemed “antigovernment” through this system reportedly were banned from university or prevented from registering for upcoming terms.

The Government censored cultural events with stringent controls on cinema and theater and a ban on Western music. It also monitored cultural associations. As the main source of production funding, the Government also effectively censored domestic filmmaking. Producers were required to submit scripts and film proposals to government officials in advance of funding approval. Movies promoting secularism, feminism, unethical behavior, drug abuse, violence, or alcoholism were illegal, and some domestic directors were blacklisted. A 2006 NGO report noted that censorship by authorities and a culture of self-censorship strongly inhibited artistic expression in the country.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution permits assemblies and marches “provided they do not violate the principles of Islam”; in practice the Government restricted freedom of assembly and closely monitored gatherings to prevent antigovernment protests. Such gatherings included public entertainment and lectures, student meetings and protests, labor protests, women’s gatherings and protests, funeral processions, and Friday prayer gatherings. According to activists, the Government arbitrarily applied rules governing permits to assemble, with conservative groups rarely experiencing difficulty, and groups viewed as critical of the Government experiencing harassment regardless of whether a permit was issued.

The Government continued to prohibit and forcibly disperse peaceful demonstrations during the year. Paramilitary organizations such as the Ansar-e Hizballah also harassed, beat, and intimidated those who demonstrated publicly for reform. They particularly targeted university students.

From late February to early March, students at Shiraz University held a peaceful sit-in; they called for the university President's resignation, greater student freedom, and better dormitory conditions. According to Radio Farda and the International Campaign for Human Rights in Iran, authorities arrested at least a dozen of the organizers, beat some of the students they arrested, and held some in solitary confinement during their detention.

On June 12, police arrested at least nine women who organized a meeting to commemorate the two-year anniversary of the largest feminist demonstration in Tehran. Officials banned the meeting in advance and stationed security forces outside the location. Authorities reportedly released the women the following day.

Many individuals who participated in demonstrations during 2006 and 2007 remained imprisoned at year's end. Ali Reza Hashemi, head of the Iranian Teachers Organization, remained under a three-year suspended sentence for "provoking teachers to gather and organizing to disrupt the national security of the country."

Freedom of Association.—The constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, as long as such groups do not violate the principles of "freedom, sovereignty, and national unity" or question Islam as the basis of the Islamic Republic; however, the Government limited freedom of association in practice through threats, intimidation, imposing arbitrary requirements on organizations, and arresting group leaders and members.

On October 1, security forces arrested teachers seeking to attend a trade union meeting to discuss World Teachers Day, according to Education International. Authorities released all of those arrested, although Education International alleged that some of the teachers had been beaten. According to foreign NGOs, authorities arrested as many as 400 teachers around the country during the year.

On May 25, authorities released Heshmatollah Tabarzadi, general secretary of the political party Democratic Iranian Front, who had been detained without charge in Evin Prison since November 2007 for founding the party and allegedly damaging national security.

c. Freedom of Religion.—The constitution states that Shia Islam is the state religion and that all laws and regulations must be based on Islamic criteria. The constitution also nominally protects other Islamic denominations, Zoroastrianism, Christianity, and Judaism; however, the Government severely restricted freedom of religion in practice, particularly the Baha'i faith.

The central feature of the country's Islamic system was rule by the "religious jurisconsult." Its senior leadership consisted principally of Shia clerics, including the supreme leader of the revolution, the head of the judiciary, and members of the Assembly of Experts and the Guardian Council.

Apostasy was punishable by death according to Shari'a law. There were no reported instances of the death penalty being applied for apostasy during the year. On August 20, Intelligence Ministry officials in Mashhad arrested Ramtin Soodmand, a Christian preacher, and took him to an unknown detention center. Authorities released Soodmand in November, and at year's end he was awaiting trial on charges of "promoting antigovernment propaganda," although his family maintained he was arrested solely for expression of his religious beliefs. The Government executed Soodmand's father in 1990 for apostasy due to his conversion 30 years earlier from Islam to Christianity.

The Government continued to repress Baha'is and prevent them from practicing their religion by closing their places of worship. It banned them from government and military leadership posts, the social pension system, and public schools and universities, unless they concealed their faith. The courts also denied Baha'is the right to inherit property and refused to recognize Baha'i marriages or divorces. According to the law, Baha'i blood is considered "mobah," meaning Baha'is may be killed with impunity. The Government repeatedly pressured Baha'is to recant their religious beliefs in exchange for relief from mistreatment.

According to human rights groups, all seven members of the Baha'i national leadership body and a total of at least 40 Baha'is were imprisoned at year's end.

On December 28, authorities on Kish Island arrested and interrogated Faegheh Rafeie and eight of her relatives, including several minors, for discussing their Baha'i faith with a local shopkeeper. Authorities released some members of the group the following day but held others for two to three more days.

All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in employment, education, and housing. In 2006 the UNSR for adequate housing visited the country and reported that rural land, particularly that belonging to minorities including Baha'is, was expropriated for government use, and owners were not fairly compensated. Inheritance laws favored Muslims over non-Muslims.

According to human rights activists, the Government continued to grow increasingly intolerant of Sufism.

On November 16, a court sentenced Amir Ali Mohammad Labaf to a five-year prison term, 74 lashes, and internal exile to the southeastern town of Babak for "spreading lies," based on his religious practices as a member of one of the country's largest Sufi sects, the Nematollahis or "Gonabadi Dervishes." Security agents reportedly arrested numerous other Gonabadi Dervishes during the year in other cities, including Isfahan and Karaj.

On December 30, security services arrested five members of the Sufi community without official charges in Hormozgan province and confiscated their books and computer equipment.

During the year clerics in Qom accused the Sufi community of "opposing Islamic ideas." In 2006 police in Qom arrested approximately 1,200 Sufis and closed a major center of Sufi worship.

With the exception of Baha'is, the Government allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. The law required all Muslim students to take Islamic studies courses.

Proselytizing of Muslims by non-Muslims was illegal. The authorities have been increasingly vigilant in recent years in curbing proselytizing activities by evangelical Christians.

The Government carefully monitored the statements and views of all religious leaders, including the country's senior Muslim religious leaders. It restricted the movement of several Muslim religious leaders who had been under house arrest for years and continued to detain at least one dissident cleric, Ayatollah Boroujerdi, during the year. The Government pressured all ranking clerics to ensure their teachings conformed to (or at least did not contradict) government policy and positions.

Societal Abuses and Discrimination.—Government actions continued to support elements of society who created a threatening atmosphere for some religious minorities.

Sunni Muslims and Christians encountered societal and religious discrimination and harassment at the local, provincial, and national levels. Some Mandeans reportedly fled the country in previous years to escape discrimination.

The Government's anti-Israel stance, in particular the President's repeated speeches decrying the existence of Israel and calling for the destruction of its "Zionist regime," coupled with the perception among many citizens that Jewish citizens supported Zionism and Israel, created a threatening atmosphere for the community. Government officials also continued to make statements and organize events during the year designed to cast doubt on the Holocaust.

On June 2, President Ahmadi-Nejad said that Israel "will be wiped off the pages of history" and on August 24 that "the celebration of the elimination of Zionism and destruction of the arrogant will soon be held."

On August 17, the President made remarks in which he referred to the Holocaust as a "historical lie" perpetuated to justify Israel's existence.

On September 26, a Holocaust denial book by student members of the Basij was released. The cover depicted a hook-nosed Jew dressed in traditional Jewish clothing drawing outlines of dead bodies on the ground. Inside pages pictured bearded Jews leaving and re-entering a gas chamber with a counter reading 5,999,999. Another picture showed a hospital patient covered in an Israeli flag and on life support, breathing lethal Zyklon-B gas used in the Holocaust.

In previous years several programs broadcast on state-run TV reportedly espoused anti-Semitic messages; a domestic newspaper held a Holocaust denial editorial cartoon contest; and the Government sponsored a conference focused on denial of the existence or scope of the Holocaust.

In recent years the Government made the education of Jewish children more difficult by limiting distribution of nonreligious Hebrew texts and requiring several Jewish schools to remain open on Saturday, the Jewish Sabbath. There were limits on the level to which Jews could rise professionally, particularly in government.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government placed some restrictions on these rights. The Government cooperated with the Office of the High Commissioner for Refugees (UNHCR) with regard to some refugees from Afghanistan and Iraq.

The Government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, had to post bond to obtain an exit permit. The Government restricted the foreign travel of some religious leaders and individual members of religious minorities and scientists in sensitive fields, and it targeted journalists, academics, and activists for travel bans and passport confiscation.

On March 3, authorities removed human rights activist Parvin Ardalan from her flight, confiscated her passport, and served her with a court summons as she was leaving the country for Stockholm to receive a humanitarian award, according to Human Rights First. Authorities told her she must present invitations to conferences abroad as a precondition for the removal of her travel ban, although the law does not require individuals to seek prior permission to travel.

On October 26, authorities banned women's rights activist Sussan Tahmasebi from leaving the country, according to RSF. Authorities had summoned Tahmasebi to court for questioning regarding postings on a women's rights Web site. Police also placed Tahmasebi under surveillance.

At year's end Abdolfattah Soltani, a lawyer who represented several political prisoners, remained under a travel ban imposed in 2005.

A woman must obtain the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before leaving the country.

The Government did not use forced external exile; however, the Government used internal exile as a punishment, and many dissidents practiced self-imposed exile to be able to express their beliefs freely.

There were indications that members of all religious minorities were emigrating at a high rate, although it was unclear whether the reasons for emigration were religious or related to overall poor economic conditions.

Protection of Refugees.—The law provides means for granting asylum or refugee status to qualified applicants in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government had a system for providing protection to refugees. The Government did not always provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

On December 1, UNHCR estimated that there were 915,000 registered Afghan refugees in the country, 3,166 of whom the UNHCR repatriated to Afghanistan during the year. The Government continued to postpone discussions to renew the tripartite repatriation agreement; however, at an international conference on resettlement and repatriation held in Kabul in November, the Government verbally committed to permit registered Afghan refugees to stay until they voluntarily repatriate or resettle elsewhere.

In addition to the 915,000 registered Afghan refugees, UNHCR estimated as many as 1.5 million Afghans illegally resided in the country as migrant workers. The Government continued to deport illegal Afghan migrants. On March 4, the Government announced it would deport all Afghans who lacked refugee documentation, and UNHCR reported that 403,000 Afghans were deported. There were reports of some registered refugees included in mass deportations during the last several years, although these reports were not officially documented. According to HRW, many of those deported received no warning that they were being deported, and many were separated from their families or had little time to collect belongings and wages. Other deportees claimed they were beaten, detained, or required to perform forced labor for several days before being deported. Among the deportees were vulnerable individuals and families who required humanitarian assistance upon arrival in Afghanistan. At the November conference on Afghan refugees in Kabul, the Iranian delegate stated that Afghan refugees would continue to be treated as "respected guests" and that the two countries were discussing the issuance of 300,000 visas to Afghan workers. However, no new visa arrangement had been announced by year's end.

Since 2007 authorities maintained approximately 19 "No Go Areas" in the country for Afghan refugees, according to UNHCR. Refugees were required to register and relocate in areas the Government approved; those who did not were considered unregistered and remained subject to deportation. Afghan and Iraqi refugees faced a

lack of job opportunities, and the Government at times failed to grant them residence or work permits, effectively preventing them from obtaining health insurance coverage.

According to UNHCR, a total of 58,091 Iraqis were registered as refugees in the country during the year. The Government's 2007 registration was open only to Iraqis who had arrived before 2005. UNHCR registered later arrivals. Voluntary repatriation by Iraqis increased over the past two years; UNHCR did not assist any Iraqi repatriations in 2006 but supported 238 in 2007 and 2,376 during the year. However, UNHCR noted that most repatriates were those who fled Iraq before 2007 and new Iraqi refugees continued to arrive in the country. The majority of Iraqi refugees lived in urban areas, but an estimated 5,000 Iraqis lived in 12 settlements and received UNHCR and World Food Program assistance.

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

The constitution provides citizens the right to change peacefully the President and the parliament through free and fair elections; however, the authority of unelected representatives over the election process severely abridges this right in practice. The Assembly of Experts elects the supreme leader, the recognized head of state, who can be removed only by a vote of the assembly. The assembly was composed of 86 members and was restricted to clerics, who served eight-year terms and were chosen by popular vote from a list approved by the Guardian Council (a 12-member body composed of government-appointed clerics and religious jurists). There was no separation of state and religion, and clerical influence pervaded the Government. The supreme leader also approved the candidacy of Presidential candidates, with the exception of an incumbent President.

Elections and Political Participation.—On March 14, the country held Majles elections, which outside observers regarded as neither free nor fair. The Interior Ministry rejected the candidacy of almost 2,000 applicants, citing disqualifying reasons such as “having ill repute in their place of residency,” “insulting religious sanctities,” and “acting against the state,” according to HRW. Authorities disqualified numerous other candidates following closed-door negotiations with the Guardian Council. Most of the disqualified candidates were considered reformists. Conservatives won approximately 70 percent of the seats.

The constitution allows for the formation of political parties, although the Interior Ministry granted licenses only to political parties with ideological and practical adherence to the system of government embodied in the constitution. There were more than 240 registered political organizations, but most were small entities, often focused around an individual, and did not have nationwide membership. Political parties approved by the Interior Ministry generally operated without restriction or outside interference.

According to the Guardian Council's interpretation, the constitution barred women and persons of non-Iranian origin or religions other than Shia Islam from becoming President. Women were also barred from serving as supreme leader or as members of the Assembly of Experts, Guardian Council, or Expediency Council (a body responsible for mediating between the Majles and the Guardian Council and serving as a consultative council for the supreme leader). Two of the 10 vice Presidents were women. Eight women served in the Majles during the year. Five Majles seats were reserved for the recognized religious minorities. Other ethnic minorities in the Majles included Arabs and Kurds. There were no non-Muslims in the cabinet or on the Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and official corruption remained a serious problem in all three branches of government, including the “bonyads” (tal-exempt foundations designed for charitable activity that control consortia of substantial companies).

All government officials, including cabinet ministers and members of the Guardian Council, Expediency Council, and Assembly of Experts were required to submit annual financial statements to the state inspectorate. There was no information available regarding whether these government officials obeyed the law.

In January authorities executed a customs contractor for corruption and sentenced three other customs employees to death for “office corruption and other economic crimes,” including accepting a bribe of more than 10 billion rials (approximately one million dollars).

Also in January a court sentenced three state gas company managers to 10 years in prison and 74 lashes each for taking bribes totaling 23 billion rials (approximately \$2.3 million), according to international press reports.

On June 11, authorities arrested former parliamentarian Abbas Palizdar for “spreading lies and slander” and “causing public distress,” according to international press reports. In May, Palizdar publicly accused senior religious leaders and politicians of involvement in corruption. Following his speeches, which were widely circulated on the Internet, judiciary officials arrested and indicted 11 persons named by Palizdar, most of them government employees, on corruption charges. At year’s end Palizdar had not gone to trial.

On June 18, according to domestic press reports, authorities detained Abdollah Shahbazi for several days on charges of “slander and spreading lies,” after he claimed on his Web site that several high-ranking officials from Fars province had expropriated land.

There were no laws providing for public access to government information.

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

The Government continued to restrict the work of human rights groups and sometimes responded to their inquiries and reports with harassment, arrests, monitoring, unlawful raids, and closures. The Government continued to deny the universality of human rights and stated that human rights issues should be viewed in the context of a country’s “culture and beliefs.” On May 20, judiciary chief Hashemi Shahroudi told the Human Rights Task Force, an intragovernmental entity established in 2001, that the international community uses human rights as a weapon against the Islamic world.

Hundreds of domestic NGOs operated in areas such as health and population, women’s rights, development, youth, environmental protection, human rights, and sustainable development during the year despite the restrictive environment, including pressure not to accept foreign grants. During the year, the Government routinely restricted human rights defenders, civil society activists, journalists, and scholars from traveling abroad, particularly to attend international conferences.

According to AI, independent human rights groups and other NGOs faced intensifying harassment and threat of closure from government officials as a result of prolonged and often arbitrary delays in obtaining official registration.

Human rights activists also reported receiving intimidating phone calls and threats of blackmail from unidentified law enforcement and government officials. Government officials routinely harassed family members of human rights activists, including making false criminal charges against them and blocking their access to higher education. Courts routinely applied suspended sentences to human rights activists; this form of sentencing acted as de facto probation, leaving open the option for authorities to suddenly and arbitrarily arrest or imprison individuals. This threat was sometimes enough to silence activists or pressure them into providing information about other activists.

On December 21, security forces unlawfully raided and closed the Center for the Defense of Human Rights, a Tehran NGO headed by Nobel Peace Prize laureate Shirin Ebadi. The raid occurred immediately prior to a scheduled ceremony to celebrate the 60th anniversary of the Universal Declaration of Human Rights. According to the state-run Islamic Republic News Agency, a Foreign Ministry spokesman said the Government closed the center for operating without a valid permit. On December 29, government security officers posing as tax officials raided Ebadi’s private law offices, seizing office files and computers.

Professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their respective fields, as well as harassment and intimidation against individual members of their professions. The Government severely curtailed these groups’ ability to meet, organize, or effect change.

In 2007 local NGO the Society for the Defense of the Rights of Prisoners published its second report about prison conditions in the country. There was no indication during the year that the Government responded to the group’s appeal for attention to cases of political prisoners.

In March 2007 a revolutionary court closed the offices of three prominent civil society and women’s rights NGOs, the Iran Civil Society Organizations Training and Research Center, the Raahi Legal Center, and the NGO Training Center after authorities briefly detained activists affiliated with these organizations, including Sohrab Razzaghi, Shadi Sadr, and Mahboubeh Abbasgholizadeh, and charged them with violations related to their NGO activities.

Despite receiving numerous appeals, the Government denied requests from international human rights NGOs to establish offices in or conduct regular investigative visits to the country. The last visit by an international human rights NGO was AI’s 2004 visit as part of the European Union’s human rights dialogue with the country.

In October, according to domestic press reports, the interior minister stated that the Government would refuse any request by the Americal-Iranian Council to open an office inside the country.

The ICRC and UNHCR both operated in the country with some restrictions. According to HRW, since the Government issued a standing invitation to all UN human rights agencies in 2002, there have been six visits to the country by UN special human rights institutions; however, the Government generally ignored recommendations these bodies made and failed to submit required reports to the UN Human Rights Committee and the UN Committee on Economic, Social, and Cultural Rights.

The Government ignored repeated requests for visits by UN special rapporteurs covering the areas of arbitrary executions, freedom of religion, torture, independence of judges, and minority issues.

The December 18 UNGA resolution on the country's human rights record called on the Government to respect fully its human rights obligations and to abolish torture, arbitrary imprisonment, and juvenile and public executions, including stonings. The resolution also called on the Government to eliminate discrimination and other human rights violations against women and religious, linguistic, and ethnic minorities. In an October report, the UN Secretary-General criticized the country's human rights record and urged the Government to do more to combat discrimination against women and minorities in the country.

In 2001 the supreme leader called for the creation of a human rights task force, chaired by the judiciary chief and comprising the ministers of intelligence, interior, foreign affairs, justice, and culture, as well as other judicial and military officials. The committee, which did not convene until 2006, was not considered effective. In one of his first public statements as the committee secretary, Mohammad Javad Larijani defended death by stoning as a punishment for adultery.

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

Although the constitution formally prohibits discrimination based on race, gender, disability, language, and social status "in conformity with Islamic criteria," the Government discriminated on the basis of religion, gender, ethnicity, and sexual orientation.

Women.—Rape is illegal and subject to strict penalties, but it remained a problem. Spousal rape is not illegal.

Spousal abuse and violence against women occurred. According to a study published during the year using 2005 data, 27 percent of women reported being physically abused during the survey year. Abuse in the family was considered a private matter and seldom discussed publicly, although there were some efforts to change this attitude. Domestic violence was not specifically prohibited by law, but some nongovernmental shelters and hotlines existed to assist victims.

According to a police official quoted in a domestic newspaper during the year, 50 honor killings were reported during a seven-month period, although official statistics were not available. The punishment for perpetrators was often a short prison sentence.

In May a man local papers identified as Ahmad allegedly killed his daughter in Isfahan after her former brother-in-law kidnapped and slept with her. Both men were in police custody at year's end.

In June a man identified as Morteza allegedly killed his sister near Bandar Abbas after she married a man without her family's permission. Local press reported that Morteza would be sentenced to only three to five years in prison since the victim's parents did not seek a murder charge.

Prostitution is illegal, but it took place under the legal cover of "sigheh," or temporary marriage. International press reports described prostitution as a widespread problem. The problem appeared aggravated by difficult economic conditions and rising numbers of drug users and runaway children. In March authorities arrested Tehran police chief Reza Zarei after he was discovered in a brothel during a police raid.

There was a lack of reliable data on the prevalence of sexual harassment in the country; however, media reports indicated unwanted physical contact and verbal harassment occurred. There are laws addressing sexual harassment in the context of physical contact between men and women. In June, thousands of university students in Zanjan protested an alleged episode of sexual harassment of a student by a university official.

The constitution nominally provides women with equal protection under the law and all human, political, economic, social, and cultural rights in conformity with Islam; however, provisions in the Islamic civil and penal codes, in particular sections dealing with family and property law, discriminate against women. Shortly

after the 1979 revolution, the Government repealed the 1967 Family Protection Law that provided women with increased rights in the home and workplace and replaced it with a legal system based largely on Shari'a practices.

Although a male can marry at age 15 without parental consent, the law states that a virgin female needs the consent of her father or grandfather to wed, or the court's permission, even if she is older than 18. The country's Islamic law permits a man to have as many as four wives and an unlimited number of *sigheh*, based on a Shia custom in which a woman may become the wife of a Muslim male after a simple religious ceremony and a civil contract outlining the union's conditions. Such wives were not granted rights associated with traditional marriage. The Government does not recognize marriages between Muslim women and non-Muslim men or Baha'i marriages.

Women have the right to divorce only if the husband signs a contract granting that right; cannot provide for his family; or is a drug addict, insane, or impotent. A husband was not required to cite a reason for divorcing his wife.

Traditional interpretations of Islamic law recognized a divorced woman's right to part of shared property and to alimony. The law provides divorced women preference in custody for children up to seven years of age; however, divorced women who remarry are forced to give the child's father custody. After the child reaches seven years of age, the father is entitled to custody (except in cases in which the father was proven unfit to care for the child). The court determined custody in disputed cases.

A man could escape punishment for killing a wife caught in the act of adultery if he was certain she was a consenting partner; the same rule does not apply for women whose husbands committed adultery. Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. The law provides that a victim of stoning is allowed to go free if he or she escapes; however, it is much harder for women to escape, as they are buried to their necks, whereas men are buried to their waists.

The testimony of two women is equal to that of one man. The blood money paid to the family of a female crime victim is half the sum paid for a man.

Women had access to primary and advanced education. Reportedly 65 percent of university students were women; however, government officials admitted the use of quotas to limit women's university admissions in certain fields, such as medicine and engineering. In addition, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, including the legislature, municipal councils, police, and firefighters. According to a World Economic Forum report, the unemployment rate for women was 17 percent, compared with 10 percent for men. Women cannot serve as President or as certain types of judges. Women may be consultant and research judges without the power to impose sentences.

The Government enforced gender segregation in most public spaces, including medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances.

The penal code provides that if a woman appears in public without the appropriate Islamic covering (hijab), she can be sentenced to lashings and/or fined. However, absent a clear legal definition of appropriate hijab or the punishment, women were at the mercy of the disciplinary forces or the judge. Pictures of uncovered or immodestly dressed women in the press or in films were often digitally altered.

The Government intensified its campaign against members of the "One Million Signatures" campaign, which activists launched in 2006 to promote women's rights and demand changes to discriminatory laws. In a report released October 20, UN Secretary-General Ban Ki-Moon noted "an increasing crackdown in the past year on the women's rights movement."

On April 8, security forces arrested campaign member Khadijeh Moghaddam at her home. A revolutionary court reportedly charged her with "spreading propaganda against the state," "disrupting public opinion," and "actions against national security." Officials released her on bail on April 16.

On October 15, authorities arrested an Iranian-American dual citizen for an alleged traffic violation in Tehran and held her in solitary confinement in Evin Prison for one month. She was in the country conducting research on the women's rights movement for her graduate thesis. On November 10, authorities released her on bail, but she remained under a travel ban at the end of the year.

On October 17, authorities ordered Parastoo Alahyaari and several other campaign activists to submit their identity cards after security officers broke up their meeting in a public park in Tehran. On October 18, authorities searched Alahyaari's home and confiscated her computer and many personal belongings.

On November 21, according to human rights activists, authorities arrested Mehri Moshrefi, her husband, and two of her children and transferred them to Evin Prison. Security officers reportedly arrested them at a cemetery where the “One Million Signatures” campaign was staging a protest; activists claimed the family was not involved in the gathering. Authorities held Moshrefi’s two children (one of whom was a minor) for one month; Moshrefi and her husband remained in Evin Prison at year’s end. Prison officials did not allow the family to contact their third child, who was not with the rest of the family at the time of arrest, for more than two weeks.

Several members of the “One Million Signatures” campaign, including Parvin Ardalan, Nushin Ahmadi Khorasani, and Sussan Tahmasebi, remained under suspended prison sentences and travel bans at year’s end. A court sentenced Fariba Davoudi Mohajer to one year in prison in absentia after she spoke publicly about these activists during a trip outside the country.

In May a court sentenced Amir Yaghoub Ali to one year in prison for “endangering national security” due to his work for the “One Million Signatures” but later suspended the sentence for four years. In July 2007 security forces detained him in Evin Prison for four weeks for collecting signatures on behalf of the campaign in Tehran’s Andishe Park.

In July 2007 authorities sentenced women’s rights activist Delaram Ali to 20 lashes and 34 months in prison for her participation in a 2006 women’s rights rally. The judge charged her with “acting against national security” and “propaganda against the system.” Following international protests, in November 2007 the judiciary reduced her sentence to 10 lashes and two and one half years in prison and then temporarily suspended her sentence.

In August 2007 authorities sentenced Nasim Sarbandi and Fatemeh Dehdashti to six months in prison and two-year suspended sentences reportedly for collecting signatures for “One Million Signatures” at a Tehran train station.

On August 13, authorities charged Ronak Safazadeh with “spreading propaganda against national security.” Security agents arrested Safazadeh in Sanandaj in October 2007 for collecting signatures for “One Million Signatures.” On September 6, a court sentenced her to nine months in prison and fined her for publicizing the conditions of her detention; at year’s end authorities had not tried Safazadeh for the original charges against her.

On June 18, a court sentenced Hana Abdi, whom police arrested in November 2007 for collecting signatures for “One Million Signatures,” to five years’ imprisonment. On October 7, a court reduced her sentence to 18 months.

On January 2, authorities released women’s rights activists Maryam Hosseinkhah and Jelveh Javaheri. Police arrested both women in late 2007 for “propaganda against the system.”

The Government Center for Women and Family continued to publish reports on feminism with a negative slant and limited the debate on women’s issues to only those related to the home.

Children.—There was little current information available to assess government efforts to promote the welfare of children.

Although primary schooling up to age 11 is free and compulsory, media and other sources reported lower enrollment rates for girls than boys in rural areas.

There was little information available to reflect how the Government dealt with child abuse, including child labor. Abuse was largely regarded as a private family matter, and there was no evidence of progress as a result of 2005 UN Children’s Fund actions to prevent child abuse in the country. According to the UN’s Integrated Regional Information Network, child sexual abuse was rarely reported.

The law requires court approval for the marriage of girls younger than 13 and boys younger than 15; however, it was reportedly not unusual in rural areas for parents to have their children marry before they become teenagers, often for economic reasons.

There were reportedly significant numbers of children, particularly Afghan but also Iranian, working as street vendors in Tehran and other cities and not attending school.

Trafficking in Persons.—The law prohibits human trafficking. However, according to foreign observers, the country was a source, transit, and destination point for trafficking. Women and girls were trafficked from the country to Pakistan, Turkey, Europe, and the Gulf states for sexual exploitation and involuntary servitude. Boys from Bangladesh, Pakistan, and Afghanistan were trafficked through the country to Gulf states. Afghan women and girls were trafficked to the country for sexual exploitation and forced marriages. Internal trafficking for sexual exploitation and

forced labor also occurred. In some cases, authorities tried and convicted persons involved in trafficking.

In September 2007 police reportedly disbanded an international smuggling network based in Tehran, but it was unclear how many, if any, of these were actual trafficking offenses. The group smuggled women and girls from Central Asia through the country to the Gulf states. Police reportedly arrested 25 persons for involvement in the network. There were also reports that the Government arrested and punished several trafficking victims on charges of prostitution or adultery.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Discrimination against persons with disabilities was prohibited by law. The law also provided for state-funded vocational education for persons with disabilities, but according to domestic news reports, vocational centers were confined to urban areas and unable to meet the needs of the entire population of persons with disabilities. Building accessibility for persons with disabilities remained a widespread problem.

National/Racial/Ethnic Minorities.—The constitution grants equal rights to all ethnic minorities and allows for minority languages to be used in the media and schools. The Government disproportionately targeted minority groups, including Kurds, Arabs, Azeris, and Baluch, for arbitrary arrest, prolonged detention, and physical abuse. These groups also reported political and economic discrimination, particularly in the provision of economic aid, granting of business licenses, university admissions, permission to publish books, and housing and land rights. State broadcasting had weekly programs in ethnic languages, but the Government consistently denied minorities their constitutional right to study and use their language in school.

In 2007 then interior minister Mustafa Purmohammadi ranked ethnic divisions as one of the biggest problems his ministry had to address. The Government blamed foreign entities, including a number of Western countries, for instigating some of the ethnic unrest. Other groups claimed the Government staged the 2005 and 2006 Khuzestan bombings as a pretext for repression.

According to AI, in January authorities detained and questioned three child care facility directors in Kurdistan province on the grounds that they permitted the teaching of a nonnational language. Authorities threatened other facilities with closure. Kurds were not allowed to register certain names for their children in official registries.

On July 9, security forces arrested Zeinab Bayazidi in Kurdistan province and charged her with “acting against national security” and “belonging to an illegal organization” for her work with a human rights group. According to human rights activists, a court sentenced her to four years in prison after a secret trial with numerous irregularities.

On August 8, according to domestic human rights groups, security forces arrested journalist and Kurdish rights activist Massoud Kordpour on espionage charges related to interviews he gave to foreign media outlets. Authorities reportedly held Kordpour incommunicado for several months before a revolutionary court sentenced him to one year in prison.

On October 30, a Tehran appeals court upheld an 11-year prison sentence against Kurdish journalist Mohammad Sadegh Kaboudvand according to NGO reports. Police arrested Kaboudvand in July 2007 after he founded the Human Rights Organization of Kurdistan (HROK) in 2005. He was serving his sentence at year's end, and family members reported he had severe health problems, including a second heart attack in December.

On February 25, a revolutionary court sentenced to death Farzad Kamangar, superintendent of high schools in Kamayaran, on charges of “endangering national security.” Kamangar was involved with a number of civil society organizations, including the local teacher's union, an environmental group, and HROK. The court also sentenced fellow Kurdish activists Ali Heydarian and Farhad Vakili to death. In July the Supreme Court upheld the three death sentences. On November 24, according to AI, prison officials removed Kamangar from his cell, beat him, and threatened him with execution. Authorities originally arrested the three men in 2006 for their human rights activism.

In 2006 Kurds clashed with police, reportedly resulting in three deaths and more than 250 arrests. There were also strikes and demonstrations in 2005 following the killing of a Kurdish activist by security forces. According to HRW and other sources, security forces killed at least 17 persons and wounded and arrested large numbers of others.

In February authorities tried Sa'id Sa'edi, a founder of the East Kurdistan Cultural Research Institute, and Ajlal Qavami, a journalist and board member of HROK, on charges of criminal damage relating to their participation in a peaceful demonstration in 2005.

Foreign representatives of the Ahvazi Arabs of Khuzestan claimed their community of 2 to 4 million in the southwest section of the country suffered from oppression and discrimination, including the lack of freedom to study and speak Arabic. Ahvazi and human rights groups alleged torture and mistreatment of Ahvazi Arab activists, including detention of the spouses and young children of activists.

In September a court sentenced Arab journalist Mohammad Hasan Falahiezadeh to three years in prison. Authorities arrested Falahiezadeh in December 2007 for his reporting of street protests by members of the Arab minority in Ahvaz. On October 5, he began a hunger strike to protest prison officials' alleged denial of basic legal rights.

Ethnic Azeris comprised approximately one-quarter of the country's population, were well integrated into government and society, and included the supreme leader among their numbers. However, Azeris complained of ethnic and linguistic discrimination by the Government, including banning the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azeris. The Government charged several of them with "revolting against the Islamic state."

In a series of arrests beginning in July, police reportedly detained at least eight Azeri-Iranian students in Tabriz and charged them with "establishing illegal groups in order to disrupt national security" and "propaganda against the state." According to AI, the student activists were campaigning for greater cultural and linguistic rights, including the right to education using the Azeri language and the right to celebrate Azeri culture and history. On October 28, all but one were released on bail; at year's end, Dariush Hatemi remained in prison because he was unable to raise the bail of 500 million rials (approximately \$50,000) required for his release.

On September 10, authorities arrested a group of Azeri cultural rights activists, including author Hasan Rashedi, poet Mehdi Naimi Ardabili, writer Alireza Sarafi, and journalist Saeed Mohammadi Moghalani, at an Iftar celebration. Authorities held the men incommunicado and without charge for several weeks before releasing them on bail on November 9.

In 2006 there were large-scale riots in the Azeri majority regions of the northwest following publication of a newspaper cartoon that depicted a cockroach speaking in Azeri. Police forcibly contained the protests and reported that four persons were killed and several protesters were detained. Authorities blamed foreign governments for inciting unrest.

Local and international human rights groups alleged serious economic, legal, and cultural discrimination against the Baluch minority during the year. The Government did not investigate allegations that authorities in Sistan va Baluchistan executed at least 50 detainees in 2007 (See Section 1.a.). Baluch journalists and human rights activists, including Yaghoob Mirnehad, faced arbitrary arrest, physical abuse, and unfair trials, often ending in execution.

Other Societal Abuses and Discrimination.—The Special Protection Division, a volunteer unit of the judiciary, monitored and reported moral crimes. The law prohibited and punished homosexuality; sodomy between consenting adults was a capital crime. According to HRW, the last known death sentences for homosexual conduct were handed down in 2005, although there were allegations of executions related to homosexual conduct in 2006 and 2007. The punishment of a non-Muslim homosexual was harsher if the homosexual's partner was Muslim. On September 29, President Ahmadi-Nejad called homosexuality an "unlikable and foreign act" that "shakes the foundations of society."

On February 28, police reportedly raided a home in Isfahan and arrested approximately 30 men on accusations including consensual homosexual conduct. The men were held for multiple weeks without access to lawyers and without being charged, according to HRW.

Persons with HIV/AIDS reportedly faced discrimination in schools and workplaces. The Government supported programs for HIV/AIDS awareness and generally did not interfere with private HIV/AIDS-related NGOs.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to establish unions; in practice the Government did not permit independent unions. A national organization known as Workers' House was the sole authorized national labor organization. It served primarily as a conduit for government control over workers. The

leadership of Workers' House coordinated activities with Islamic labor councils in industrial, agricultural, and service organizations comprising more than 35 employees. These councils, which consisted of representatives of workers and a representative of management, also functioned as instruments of government control but nonetheless frequently blocked layoffs and dismissals in support of workers' demands. Restrictions on the ability of workers to associate continued during the year.

On June 24, the Ministry of Labor and Social Affairs threatened to dissolve the Association of Iranian Journalists (AIJ) because it allegedly failed to uphold its internal regulations. According to RSF, authorities sought the removal of the association's executive committee on grounds of alleged procedural irregularities in voting during its general assemblies. On July 6, the Ministry of Culture and Islamic Guidance sent a letter instructing domestic newspapers not to report on the group. The AIJ held internal elections to satisfy the Ministry of Labor's concerns but had yet to receive their approval at year's end.

On December 22, according to human rights groups, security agents arrested trade union member Mohsen Hakimi on unspecified charges. His whereabouts were unknown at year's end.

In April 2007 security forces arrested 45 members of the Hamedan Teachers' Association. Judiciary officials stated the teachers were arrested because of their continued affiliation with a banned organization. In December 2007 a court sentenced nine of the members to 91 days' imprisonment for "participating in unlawful strikes" and for closing schools.

On April 6, authorities released labor activist Mahmoud Salehi, former head of the Saqez Bakery Workers' Union, after he spent one year in prison for "acting against national security"; the court immediately opened another case against him, for which Salehi reportedly posted bail of 430 million rials (approximately \$43,000). He was free pending trial at year's end.

On August 25, authorities reportedly transferred labor leader Mansur Osanloo from Evin Prison to Rajayee Shahr Prison in the city of Karaj. Osanloo, who reportedly suffered from numerous health problems, remained in custody under a 2007 charge of "acting against national security" and "propaganda against the system." In July 2007 unidentified men arrested and detained him, following repeated arrests in 2006. Osanloo, head of the Syndicate of Bus Drivers of the Tehran and Suburbs Bus Company (Sherkat-e-Vahed), had been targeted by the Government because of his calls for labor rights.

On December 27, plainclothes security agents arrested Ebrahim Madadi in Tehran on unknown charges. Authorities previously arrested Madadi in August 2007 for protesting the arrest of Mansur Osanloo and released him in December 2007 following an appeals court ruling that cleared him of the charge of acting against national security.

Ali Reza Hashemi, head of the Iranian Teachers Organization, remained under a three-year suspended sentence on charges related to a March 2007 protest during which security forces arrested hundreds of teachers demanding pay and benefits equal to those government employees received. According to a domestic labor rights organization, authorities held dozens of the teachers in Section 209 of Evin Prison for as long as 60 days without charges, before releasing most of them on bail of approximately 300 million rials (approximately \$30,000) each.

The law prohibits public sector strikes, and the Government considered unlawful any strike deemed contrary to its economic and labor policies, including strikes in the private sector; however, strikes occurred. According to an October UNGA report, attempts to create a number of workers' associations and conduct labor strikes over wages have been met with arbitrary arrests and violence by security forces.

b. The Right to Organize and Bargain Collectively.—Workers did not have the right to organize independently or to negotiate freely collective bargaining agreements. According to the International Trade Union Confederation, labor legislation did not apply in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The labor code prohibits all forms of forced or compulsory labor, including by children; however, there were reports that such practices occurred. Female citizens were trafficked internally for the purpose of forced prostitution. Citizen children were trafficked internally, and Afghan children were trafficked to the country for the purpose of forced commercial sexual exploitation and involuntary servitude as beggars and laborers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of minors younger than 15 years and places restrictions on the employment of minors younger than 18; however, the Government did not adequately enforce laws pertaining to child labor, and child labor was a serious problem. The law permits children to work in agriculture, domestic service, and some

small businesses, but prohibits employment of minors in hard labor or night work. There was no information regarding enforcement of these regulations.

According to government sources, 3 million children were prevented from obtaining education because their families forced them to work. Unofficial sources claimed the figure was closer to 5 million. In 2007 Tehran reportedly opened several shelters for street children. There were reportedly significant numbers of children—particularly Afghan but also Iranian—working as street vendors in major urban areas. Many Afghan children were unable to attend school because they lacked birth certificates or identification cards, which the Government reportedly refused to issue in an effort to curb illegal immigration.

e. Acceptable Conditions of Work.—The law empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. In March President Ahmadi-Nejad increased the minimum wage levels by 20 percent to 2.2 million rials (approximately \$220) per month, which labor groups stated did not provide a decent standard of living for workers and their families. There was no information regarding mechanisms to set wages, and it was not known whether minimum wages were enforced. Afghan workers, especially those working illegally in the country, often were paid less than the minimum wage.

The law establishes a maximum six-day, 48-hour workweek, with a weekly rest day, normally Friday, and at least 12 days of paid annual leave and several paid public holidays.

According to the law, a safety council, chaired by the labor minister or his representative, protects workplace safety and health. Labor organizations outside the country have alleged that hazardous work environments were common in the country and resulted in thousands of worker deaths annually. The quality of safety regulation enforcement was unknown, and it was unknown whether workers could remove themselves from hazardous situations without risking the loss of employment.

IRAQ

Iraq, with a population of approximately 27.5 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al Maliki. The current administration assumed office in 2006 after the Council of Representatives (COR) approved a unity government composed of the major political parties. The 2005 COR elections establishing this government met internationally recognized electoral standards for free and fair elections, and the results of the elections reflected the will of the voters, according to the final report of the International Mission for Iraqi Elections.

Since the second half of 2007 and during the year, the general security situation in the country substantially improved. Violence has decreased to the lowest level since 2004, although attacks on military, police, and civilians continued. According to Multinational Force-Iraq (MNF-I), civilian deaths from violence during the year fell 72 percent to approximately 15 per day; Iraqi Security Forces (ISF) deaths from violence fell by 57 percent to five per day, compared to the previous year. Successful ISF operations contributed to decreasing violence by establishing government control of areas previously dominated by Shia special groups and other extremists. Throughout the year the Shia militia Jaysh al-Mahdi (JAM) or Mahdi's Army reorganized, repudiating violence against Iraqis, and "Sons of Iraq" (SOI) neighborhood security forces—many affiliated with Sunni tribal groups—continued to combat insurgents and terrorists. These developments undermined the terrorist group al-Qa'ida in Iraq (AQI) and Sunni insurgent influence, contributing to even further reductions in violence.

During the year, the Ministries of Interior (MOI) and Defense (MOD) increased the numbers of trained security forces. At the end of the year there were over 590,000 trained security forces, an increase from 430,000 in November 2007. The strengthened ISF led successful operations, often jointly with the MNF-I, against insurgents and terrorists in Basrah, Maysan, Baghdad, Diyala, Ninewa, Qadisiyah, and Wasit Provinces. Civilian authorities generally maintained control of the ISF, although sectarian and party-affiliated militias, which sometimes controlled local security, at times failed to provide even-handed enforcement of the law and acted independently. Although reduced, continuing violence, corruption, and organizational dysfunction undermined the Government's ability to protect human rights.

During the year, the following significant human rights problems were reported: a climate of violence; misappropriation of official authority by sectarian, criminal, and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor condi-

tions in pretrial detention and prison facilities; denial of fair public trials; delays in resolving property restitution claims; immature judicial institutions lacking capacity; arbitrary arrest and detention; arbitrary interference with privacy and home; other abuses in internal conflicts; limitations on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; restrictions on religious freedom; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of protection of refugees and stateless persons; lack of transparency and widespread, severe corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women, and ethnic and religious minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.

Insurgent and extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses. Although their influence and ability to attack was significantly weakened since 2007, terrorist groups such as AQI and other extremist elements continued to launch attacks against Shia and Sunnis, fueling sectarian tensions and undermining the Government's ability to maintain law and order. Extremist and AQI attacks against Sunni SOI and tribal leaders and offices rose during the year. Extremists and AQI also conducted high-profile bombings near Shia markets and mosques and killed Shia religious pilgrims. Shia militias and armed paramilitary groups, some substantially incorporated into the ISF, also frequently attacked civilians and government officials. Religious minorities, sometimes labeled "anti-Islamic," were caught in the violence. Amidst attacks, Shia armed groups fought each other and against government forces for control of the nine provinces in the South, especially in Basrah. Insurgents also carried out a number of attacks against civilians and ethnic and religious minorities. During the year, despite some reconciliation and easing of tensions in several provinces, the Government's human rights performance consistently fell short of according citizens the protections provided for by the law.

The constitution and law provide a strong framework for the free exercise of human rights. A major achievement was the passage of the Provincial Election Law on September 24 calling for provincial elections on January 31, 2009, in 14 majority-Arab provinces, with elections later in the year in the three Kurdish provinces and in Tameem (Kirkuk). As well, the adoption on November 16 by the COR of the law authorizing the establishment of the constitutionally mandated Independent High Commission for Human Rights marked a step forward towards the goal of building institutions to protect those rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year, there were numerous reports that the Government or its agents committed arbitrary or unlawful killings in connection with the ongoing conflict. Security forces under government control killed armed fighters or persons planning to carry out violence against civilian or military targets. According to personal accounts and numerous press reports, these forces caused civilian deaths during these operations. The UN Assistance Mission for Iraq (UNAMI) cited reports that the ISF in January Basrah battles and April Sadr City battles against Shia militia failed to distinguish sufficiently between combatants and civilians, and often used disproportionate force.

An extensive security operation in Diyala Province resulted in mass arrests, denial of due process, and credible reports of torture, some resulting in death. In one case, Sheikh Bashir, a Diyala community leader, was arrested by police in November and died in custody shortly thereafter. Government officials claimed he died from a pre-existing kidney condition, but his corpse had markings consistent with torture.

With the increased exercise of central government authority over security forces, the phenomena of widespread and confirmed unauthorized government agent involvement in extrajudicial killings has ceased to reoccur. UNAMI did not report in its January-June Human Rights Report that there was involvement of ISF in extrajudicial killings in Baghdad, nor were there reports of MOI-affiliated death squads targeting Sunnis.

In the central and southern parts of the country, successful government military operations against militia activity significantly reduced the ability of JAM and the Badr Organization of the Islamic Supreme Council of Iraq (ISCI) factions in the security forces to pursue political agendas. The change in leadership was not without disruption, however. On August 21, there were three attempts to kill General

Sabah, the Provincial Chief of Police in Dhi Qar. Three Iraqi Police (IP) officers were arrested and charged with planting improvised explosive devices (IEDs). At year's end there was no further reported judicial follow-up.

There was virtual impunity for officials tried for killings. In February 2007 several high officials in the Ministry of Health (MOH) who were JAM members—including Deputy Minister Hakim al-Zamili—were arrested and charged with organizing the killing of hundreds of Sunnis in Baghdad's hospitals. On March 2, their trial began after a month of delays due to the unavailability of witnesses. On March 3, the three-judge panel, citing a lack of evidence, acquitted the defendants, who were released soon after. There were allegations of witness intimidation throughout the process. At year's end, an appeal by the prosecution was pending. According to local residents, in May 2007 personnel wearing MOI police uniforms reportedly arrested and killed 16 individuals in the Hay al-Amel neighborhood. MOI Internal Affairs and Hay al-Amel Chief of Police investigated but did not find any evidence to substantiate the reports. There were no further developments related to the investigations into 2006 killings of Sunni Arabs by MOI-affiliated death squads.

On August 24, seven men in military uniforms attacked the editor of the Kurdish monthly review *Araa*, Sadiq Jaafar Bashir, at his home in Baghdad, seriously wounding him and killing his sister, according to the international NGO Reporters Without Borders (RSF). There was no confirmation that the assailants were ISF; criminals have often disguised themselves in ISF or police uniforms.

Insurgent and terrorist bombings, executions, and killings were a regular occurrence throughout all regions and sectors of society. In Baghdad there were 92 persons killed in September, 86 in October, 82 in November, and 56 in December. The attacks were sometimes targeted at police stations or Army patrols, but often were indiscriminate, killing morning rush-hour commuters and market-goers. The Ministry of Human Rights (MOHR) annual report on Victims of Terrorism reported that 6,787 civilians were killed by terrorist attacks during the year, and 20,178 were wounded.

On March 6, two bombings in Baghdad killed 70 civilians and wounded hundreds. On August 24, a suicide bomber targeted a group of Sunni sheikhs known for cooperating with Coalition Forces (CF) who were celebrating a release of a family member from prison, killing at least 25 and wounding 29. On November 10, a roadside IED followed by a suicide bomber mingling in the crowd destroyed a minibus carrying school girls in Baghdad, resulting in 28 deaths. On August 28, the Karbala judiciary found JAM member Ali Abd al-Ta'an guilty of committing terrorist acts and sentenced him to death. Al-Ta'an confessed to multiple killings and involvement in the August 2007 Shabaniyah violence.

Incidents of terrorist attacks by female suicide bombers increased. On February 1, two female suicide bombers blew themselves up in pet markets in Baghdad, killing an estimated 100 civilians. On July 28, a female suicide bomber detonated her explosives in the middle of a public demonstration on the elections law in Kirkuk, killing 10 and wounding 40. The police then fired into the crowd to clear the crowd, causing 20 more deaths and 60 additional injuries. The UNAMI human rights report recorded 13 attacks by female suicide bombers between January and June in Baghdad, Diyala, and Karbala, which left 140 dead and 307 wounded.

During the year insurgents, terrorists, and extremist group members beat, dismembered, beheaded, and electrically drilled and shocked their victims. On May 19, police found three unknown bodies in Kirkuk. According to the police, two of the victims were exposed to torture including burning with acid and gunshot wounds. The third body was beheaded. On July 27, Police found four unidentified bodies in Mosul. The bodies had been subjected to torture and chemical burns. On July 23, the Iraqi NGO Constitutional Rights and Freedoms Observer reported that there had been a total of 1,538 unidentified bodies recovered between January and July, many bearing signs of torture. According to the NGO, the number of bodies found rose in the spring but has dropped since mid-year. Most of the bodies were found in Diyala and Baghdad.

An estimated 1,900 ISF members were killed during the year. Police officers were particularly targeted. On February 25, a suicide bomber killed Major General Abdul Jabbar Muttar, the assistant police chief in Samarra in Salah al-Din Province. On June 22, a female suicide bomber killed seven and injured 10 police officers near a heavily fortified courthouse in central Baquba, in Diyala Province.

Terrorists also targeted political institutions and leaders, religious institutions, and minorities. On March 17, a female suicide bomber killed 39 Shia worshippers near a mosque in Karbala. On April 29, Dhia Jodi Jaber, a director general at the Ministry of Labor and Social Affairs (MOLSA), was killed by a roadside bomb outside his house. On July 28, three suicide bombers and a roadside bomb struck Shia pilgrims taking part in a religious procession in Baghdad, killing 24 and wounding

72. On August 23, senior Ministry of Culture official Kamel Shiaa was shot dead in Baghdad. On October 9, Saleh al-Ugaili, a Sadrist parliamentarian, was killed along with two others in his convoy by a roadside bomb in Baghdad.

AQI attacks against SOI and Sunni tribal leaders increased over the year. On February 11, twin car bombs targeted a meeting of Sunni tribal leaders killing 22, including Sheik Ali Hatem al-Sulaiman, deputy chief of Anbar's largest Sunni tribe and a leading member of the Anbar Awakening Council, and wounding at least 40. On June 26, a bomb exploded at a SOI meeting in the city of Garma in Anbar, killing 20 and injuring 27. On August 5, the convoy of senior SOI leader Sheik Ibrahim Karbouli came under attack resulting in his death along with six of his guards in an ambush south of Baghdad.

There also were reports throughout the South that Shia militias and special groups increased their attacks seeking to intimidate government officials and influence government actions. On April 2, a roadside bomb exploded in Basrah, targeting Ministry of Defense (MOD) spokesman Major General Mohammed al-Askari and Basrah security chief Lieutenant General Mohan al-Firaji. One person was injured in this attack, which occurred a week after military operations began in Basrah. Shia militias also targeted other rival Shia groups. In June, the ISCI-affiliated Badr Organization reportedly launched new covert actions called "the yellow way" aimed at killing other Shia leaders, including journalists.

In 2007, Shia militias and criminal gangs terrorized civilians in Basrah through a campaign of killings, intimidation, kidnappings, rape, and other abuses. There also were a series of killings and attempted killings by sniper fire of police and political figures in Basrah. Iraqi military operations in Basrah launched in March have reduced Shia militia and criminal gang attacks.

A 2006 terrorist bombing, and one again in 2007, of the Al-Askariya Shrine in Samarra provoked a cycle of daily sectarian retaliatory attacks.

On July 23, a bomb exploded in Kirkuk, killing 23 and wounding 98 persons who were demonstrating against the provincial elections law. On December 11, at the end of a four-day Islamic holiday, a bomb exploded in a popular restaurant in Kirkuk, killing 100 and wounding 50. On December 22, ISF arrested a group of terrorists who confessed to the explosion. These attacks highlighted the tensions among Kurdish, Arab, and Turkmen residents of Kirkuk. Kirkuk is at the center of ongoing deliberations over the implementation of Article 140 of the constitution, which provided a December 31, 2007, deadline for a referendum over the future of disputed internal boundaries.

In Erbil, Sulaymaniyah, and Dohuk, the three provinces comprising the majority of the area under the jurisdiction of the Kurdish Regional Government (KRG), there were significantly fewer reports of sectarian violence than elsewhere in the country.

Unlike in the previous year, there were reports of KRG security forces using excessive lethal force. On August 17, residents of Sreshma village in Erbil demonstrated in favor of improved access to water. As they reached the Khalifan village mayor's office, the police opened fire, killing a 15-year-old bystander and injuring four others. The governor of Erbil suspended the head of the Khalifan police, and several police were imprisoned. Since both police and villagers were shooting, no individual was found responsible for the killing, and the police were released.

During the year, terrorist attacks in the KRG were infrequent. On March 10, a car bomb killed two and injured dozens in the Sulaymaniyah city center. On March 20, 10 AQI-linked terrorists were arrested for involvement in the attack, including an alleged leader, Riyadh Jasim Nouri. Four terrorists, including Riyadh Jasim Nouri, were convicted and sentenced to death. There were no further developments at year's end.

Since February Turkish ground forces entered KRG territory in northern Iraq targeting the terrorist group Kurdistan Workers' Party (PKK), leading to dozens of PKK casualties. On several occasions, Turkish and Iranian air forces bombed PKK sites. Beginning in March Iranian forces shelled areas in northern Iraq, which it claimed had been infiltrated by members of the Party of Free Life of Kurdistan (PJAK), an Iranian Kurdish separatist rebel group. Bombings in March and April led to forced displacement of 130 families fleeing the attacks. In December, the Pishdar District Mayor stated the district, with the assistance of UNHCR, is expected to build a new IDP camp for those fleeing the bombing in their villages. There were weekly reports of Turkish bombings throughout the year.

Press reports on November 11 indicated that a court in Tikrit convicted and sentenced to death a Salah Al Din Provincial Council member, Abd Al Hadi Tameel Shindikh and his son, Mohammad, for the July 2006 killing of Dr. Amina Al Rubaie, wife of Salah Al Din's governor, Hamid Hammoud Al Qaisi.

During the year, there were no other known developments in the killings reported in section 1.a. in the previous year's report.

Other parts of this report contain related information; see Sections 2.a., 2.c., and 2.d.

b. Disappearance.—During the year kidnappings and disappearances remained a severe problem; many individuals disappeared and incidents of child kidnapping increased in the latter half of the year. Unlike in the previous year, the majority of the reported cases were not sectarian related. According to UNAMI's January-June human rights report and government sources, almost all of the cases during the year appeared to be motivated by monetary reasons. Police believed that the great majority of cases were unreported.

According to the MOI, unlike in previous years, there were very few kidnappings by MOI personnel for ransom or sectarian motivations, and there were fewer reports that police arrested civilians without an arrest warrant and held them for ransom. UNAMI did not report any kidnappings by MOI personnel in its January-June human rights report.

Kidnappings were often conducted for ransom, and religious minorities were often the target of such kidnappings. On July 9, two Shabak individuals, Luqman Hamza and Hayder Shahab, were allegedly kidnapped in Ninewa. They both were released four days later after a ransom payment of approximately \$40,000 (approximately 47 million dinars). On August 28, police found the body of Tariq Al Katane, a Christian doctor, in Mosul. He had been kidnapped four days earlier, and his body showed signs of abuse and bullet wounds. During the year the police solved virtually none of these cases and rescued few kidnapped individuals. The MOI Human Rights office reported that it investigated 525 missing person cases during the year; results are pending.

Incidents of political kidnappings occurred during the year. On February 28, Matar Thamer Muhyee, the director of the Basrah Electricity Department, was kidnapped. On April 6, seven workers from the Ministry of Energy were kidnapped in Balad. On May 17, Dr. Sabbar Abdallah, the director of the Tikrit teaching hospital, was kidnapped, along with his two aides. All were released after being held for two weeks.

On February 10, men in security uniforms kidnapped Richard Butler, a British journalist working for CBS news, and his Iraqi interpreter in Basrah. The ISF freed the Iraqi interpreter a few days later and Butler on April 14.

There was no further information available on the following 2007 disappearances: five British men (a computer expert and four bodyguards) and acting undersecretary of the Ministry of Science and Technology Samir Salim al-Attar.

By year's end there were no new developments in the following 2006 disappearances: Ali al-Mahdawi, director of Diyala Health Directorate; Ahmed al-Mosawi, the head of the Iraq Human Rights Society; approximately 50 persons from the Salhiya neighborhood in Baghdad reportedly by assailants wearing police uniforms; and approximately 70 Ministry of Industry and Minerals employees.

Until its fall in 2003, the former regime caused the disappearance of many thousands of persons. Additional mass graves from that period were still being discovered during the year. In June, government human rights officials opened a mass grave in Najaf Province and examined the remains of over 170 Kurdish victims from 1984.

There also were more recent mass graves. On March 26, villagers in Zahamm in Diyala province uncovered a mass grave of at least 52 persons killed by AQI during the last two years. On December 6, Iraqi officials discovered 27 bodies in two graves, one south of Baghdad and one near Tal Afar.

In the first half of the year, UNAMI reported that between three to five unidentified bodies were found in Baghdad almost daily; however, the number of unidentified bodies discovered was lower than the previous year.

Other parts of this report contain related information; see Sections 1.b. and 2.a.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. During the year there were documented instances of torture and other abuses by government agents and similar abuses by illegal armed groups. The Government's effectiveness in adhering to the rule of law in these circumstances was hampered by ongoing large-scale violence, corruption, sectarian bias, and lack of civilian oversight and accountability, particularly in the security forces and detention facilities.

During the year local and international human rights organizations and the MOHR continued to report torture and abuse in several MOI and MOD detention facilities, as well as in KRG security forces' detention facilities. In August, the MOHR reported that electricity and cold water, which leave few physical traces, were the most commonly used torture methods.

Numerous and serious reports of torture and abuse were leveled at MOI's Kadhamiya National Police detention facility and the MOD/MOJ Harithiya facility in Baghdad. As in previous years, reports of abuse at the point of arrest and during the investigation period, particularly by MOI's National Police forces and MOD's battalion-level forces, continued to be common. Accusations included extreme beatings, sexual assault, and threats of death. In 2007, former detainees in MOI and MOD facilities reported that they suffered severe beatings, electric shocks, sexual assault, suspension by the limbs for long periods, threats of ill-treatment of relatives, and in some cases, gunshot wounds.

On February 14, thousands of protestors reportedly called for Diyala provincial police chief, Ghanim al-Quraishi to be fired for several incidents of torture. An investigation begun in February resulted in his being relieved of duty in mid-August.

There were other indications that disciplinary action was taken against security forces accused of human rights abuses. From 2006 to June, the MOI Internal Affairs, which has a staff of approximately 2000, investigated and convicted 218 lower-level officers of human rights violations. According to MOI Internal Affairs, many officers accused of major violations are arrested and fired although when there is a lack of evidence, the officers are only transferred. During the year the MOI Human Rights office, with a staff of 50 investigators, opened 42 investigations into human rights abuse cases and sent 28 cases to court for further investigation. At year's end 19 officers were being investigated. Several suspects have been convicted and sentenced, including high-ranking officials.

In March 2007, joint British and Iraqi Special Forces raided the MOI National Iraqi Intelligence Agency headquarters building in Basrah and arrested an alleged death squad leader. The special forces found 30 detainees with signs of torture. According to press reports, the Prime Minister's office stressed the need to punish the special forces that carried out the raid. Several Iraqi officers who participated in the raid were arrested and others fired, according to MOI Internal Affairs.

There was little judicial follow-up in older torture cases. Four MOD officers in the Iraqi Army 24th Brigade in the 6th Division were implicated in the May 2007 torture and killing of a detainee. One arrest warrant was outstanding for a high-ranking IA official in connection with the case, but was not executed by year's end. In October 2007, arrest warrants were issued for Lieutenant Nabil Rahmin Ali for murder and manslaughter, but he fled Baghdad before it was executed. On March 4, 13, and 19, Brigadier General Nasser and Colonel Hassan were ordered to appear in court concerning Lt Nabil's escape. Neither man appeared; they were granted amnesty for allowing a suspect to escape after applying on March 17. Two IA officers were arrested in November 2007 in connection with the torture and murder charges; one was released in May, and one was still in custody at year's end. In June Lt. Nabil was found in Al Hillah and arrested. Despite the evidence against him, he was released on September 8.

Abusive interrogation practices reportedly occurred in some detention facilities run by the KRG internal security (Asayish) forces and the KRG intelligence services. Allegations of abuse included application of electric shocks, suspension in stress positions, and severe beatings. In some cases, police reportedly threatened and sexually abused detainees, including juveniles, and also committed acts of torture, including beatings and use of drills.

At year's end there were no new developments in the following 2006 cases: Basrah police station torture chambers and a Mulla Eid mass grave. At year's end a National Police "Lieutenant Colonel A," accused of assaulting and torturing dozens of Sunni captives in custody on behalf of a Shia militia at the "Site 4" Baghdad Central Detention Facility in 2006, was in government custody and awaiting trial in Baghdad (See Section 1.d.).

Prison and Detention Center Conditions.—Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate Ministries: MOJ, MOI, MOD, and MOLSA for juvenile detention. Additionally, the KRG Ministry of Labor and Social Welfare (MOLSW) operated prisons in the KRG, and the KRG MOI operated pretrial detention facilities. The KRG internal security (Asayish) forces and the KRG intelligence services operated separate detention facilities as well.

At year's end there were 10 MOJ prisons and six pretrial detention facilities. The total number of MOI detention facilities was estimated to be six National Police facilities and 294 Iraqi Police facilities. Including police holding stations, there were estimated to be more than 1,200 official MOI detention locations. The MOD operated 51 Iraqi Army (IA) pretrial detention centers for detainees captured during military raids and operations. Additionally, there were reports of unofficial detention centers throughout the country. Continued detention beyond the date of ordered

release and unlawful releases, as well as targeting and kidnapping of Sunni Arab detainees, were reported. Kurdish authorities operated eight detention facilities that combined pretrial and post conviction housing and an additional eight internal security pretrial detention facilities.

Treatment of detainees under government authority was generally poor, although MOJ prison and detention facilities and personnel (otherwise known as the Iraqi Correctional Services or ICS) generally met internationally accepted standards for basic prisoner needs. ICS is required to provide food for all detainees, although ICS did not pay for a food contract for facilities in Anbar Province until July 1. Previously detainees relied on food donations and other non-Iraqi government grants.

The ICS internal affairs department monitored abuse or violations of international standards for human rights in prisons. Increased allegations of harassment and abuse have resulted in the disciplining of ICS officers in some cases. On August 12, according to the deputy minister of justice, there were allegations that 19 Iraqi correction officers (ICO) physically abused detainees being transferred to Kadhamiya Maximum Security Prison. The deputy minister investigated and determined 16 were innocent; the other three were transferred to prisons in Samawah, Nasiriyah, and Hillah, with the possibility of future criminal prosecutions. In August, the MOHR reported that 14 deaths of detainees under investigation in 2007 were pending at year's end. Medical care in MOJ/ICS prisons was satisfactory and in some locations exceeded the community standard.

Kadhamiya Female Prison, an ICS facility, was reportedly infiltrated by JAM and operated as a brothel at night. On August 22, the acting minister of justice acted to rectify the problem by relocating the inmates (174 females and 17 children) to a new female prison at the Rusafa Rule of Law Complex.

Most detention facilities under MOI and MOD control did not meet international standards. Overcrowding remained endemic. Many lacked adequate food, exercise facilities, medical care, and family visitation. Detainee populations under government control, estimated at more than 40,000, were high due to mass arrests carried out in security and military operations. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities was not provided consistently, and rape, torture, and abuse, sometimes leading to death, have been reported in some facilities.

During the year food, medical supplies, and hygiene conditions at the MOD detention facility in Abu Ghraib operated by the IA 24/6 Brigade vastly improved. Overcrowding was reduced, and at the end of the year there were less than 200 detainees compared to 550 in July 2007.

During the year the Second National Police Detention Center in Kadhamiya, a neighborhood of northern Baghdad, which was built to hold approximately 350 persons, was overcrowded. By year's end the detention facility held a population of approximately 625. Partially treated wounds, skin diseases, and unsanitary conditions were common, as was extortion by guards. Former and current detainees at Kadhamiya alleged that they were tortured while in the facility. Several investigations were launched with evidence from the MOHR and were pending at year's end.

The law mandates that women and juveniles be held separately from men. While this law is generally upheld, in some cases women were housed in the same detention facility as men. Juveniles were also occasionally held with adults. A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MOI and MOD personnel and adult prisoners. Additionally pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.

MOLSA's juvenile facilities lacked adequate resources and space and did not adequately support rehabilitative programs. On July 13, international media reported that two Sunni juveniles were killed in the facility, but these allegations were unsubstantiated by investigations. There have been other allegations of torture but no confirmed cases. There were no reports by juvenile detainees of abuse or torture cases in MOLSA facilities. According to MOLSA officials, children were often abused and tortured during interrogation while detained by MOI and MOD security forces, particularly by National Police, before their transfer to MOLSA facilities.

National detention facilities permitted visits by representatives of the national MOHR and KRG detention facilities permitted visits by the KRG MOHR. In accordance with a prime ministerial directive, the national MOHR continued its own inspection program inspecting every detention facility monthly, apart from those run by the KRG, and published its second annual report on the state of detention facilities. The report addressed general conditions and populations of detention facilities, judicial processes, and torture allegations. It reported 112 confirmed cases of torture or abuse within the MOI, 69 cases within the MOD, 107 cases in KRG facilities,

and no cases in the MOJ. The cases are being investigated by the HJC. The report was generally critical of prison standards across the country.

The KRG minister for human rights visited several KRG MOLSA detention facilities during the year; however, a report was not available at year's end. The KRG intelligence services reportedly maintained separate detention facilities; however, there were no reports of access by independent organizations to these facilities. On August 2, the Kurdish newspaper Hawlati reported that prisoners and detainees face sexual abuse, lengthy detentions without trial, and risks of disappearing in KRG detention facilities.

Domestic and international human rights NGOs and intergovernmental organizations did not generally have access to national MOI detention and pretrial facilities or to similar facilities of the KRG internal security (Asayish) and intelligence forces. Only the International Committee of the Red Cross (ICRC) inspected several detention facilities and prisons under the MOI, MOD, and MOJ around the country and had access to KRG detainees, some of whom were held in Asayish facilities. The ICRC visits to these facilities were in accordance with standard modalities. During the first half of the year, UNAMI reported visits to four prison and detention facilities in Baghdad and Anbar, and 17 facilities in the KRG.

Other parts of this report contain related information; See Sections 1.d. and 5.

d. Arbitrary Arrest or Detention.—The constitution provides for protection against arbitrary arrest and detention without a warrant, except in extreme exigent circumstances as provided for in a state of emergency. In practice, there were a number of instances of arbitrary arrest and detention. On April 1, a prime ministerial order to all security agencies forbade any raids or arrests without prior warrants. In practice, the order was frequently not followed.

Role of the Police and Security Apparatus.—The ISF were composed of MOI security forces and the MOD military forces. The MOI exercised its responsibilities throughout the country, except in the KRG area. These responsibilities included providing internal security through police and domestic intelligence capabilities, facilities protection, and regulating all domestic and foreign private security companies. ISF also had responsibility for emergency response, border enforcement, dignitary protection, firefighting, and internal monitoring of the conduct of MOI personnel. The army, under direction of the MOD, also played a part in providing domestic security. In an effort to strengthen IA leadership, the Government began a recall effort to attract former IA officers and NCOs to return to service. The expectation was that most of the 114,000 officers and NCOs from the former army registered through this process would be processed for formal retirement and a smaller number brought back to service to fill identified skill deficiencies in the IA.

The MOI security forces included several components: the 280,000-member Iraqi Police Service deployed in police stations; the 41,000-member National Police, overwhelmingly Shia and organized into commandos and public order police; the 40,000-member Border Enforcement Police, as well as the 83,000 Facilities Protection Service security guards employed at MOI direction at individual ministries. The MOI was responsible for approximately 500,000 employees, nearly 10 percent of the country's male labor force.

Unlike in previous years, there were improvements within the security services in militia integration into the ISF, strengthened chain of command and control, and personnel and equipment shortages. Total trained ISF numbers grew to at least 590,000 from 430,000, which allowed ISF to successfully pursue military operations against extremist activity around the country and particularly in Baghdad. The overall security situation improved as oversight by MOI and MOD Internal Affairs increased. A November study by researchers from the College of William and Mary found that the MOI was making meaningful reform efforts and is substantively addressing problems of lack of efficiency, effectiveness, accountability, and professionalism. Some problems continued, however, with all security services regarding sectarian divisions, corruption, and unwillingness to serve outside the areas in which they were recruited.

The inability of the overwhelmingly Shia ISF to retain Sunni personnel and convince Sunni communities that they were not biased in their enforcement was a problem. However, the GOI's commitment to assume payment for approximately 94,000 "Sons of Iraq" neighborhood security forces, largely Sunni tribesmen and former insurgents, with a commitment to integrate 20 percent of them in to the ISF, was a positive development. At the end of the year, SOI transition was ongoing in Baghdad Province, with preparations underway for transition elsewhere in the country. The targeting of members of the SOI for arrest in connection with previous insurgent or Ba'athist activity hampered effectiveness.

The KRG maintained its own regional security forces as set forth in the constitution. Pending further progress on implementing the Unification Plan for the KRG, the two main parties of the Kurdish region maintained MOI Peshmerga units as regional guards outside the control of the KRG, internal security units (Asayish), and intelligence units. KRG security forces and intelligence services were involved in the detention of suspects in KRG-controlled areas. The variety of borders and areas of authority remained a cause of confusion, and therefore concern, with regard to the jurisdiction of security and courts.

The KRG functioned with two party-based Ministries of Interior. The PUK Party controlled the Ministry with oversight of the province of Sulaymaniyah, and the KDP controlled the Ministry with oversight of the provinces of Erbil and Dohuk. KRG officials stated that unification of the party-based Ministries of Interior was their goal but missed two self-announced deadlines for doing so during the year.

Authorities often did not maintain effective control over security forces despite increased efforts. MOI security force effectiveness, particularly the National Police, was seriously compromised, although less frequently than the previous year, by militias, sectarianism, and political party influences. Rampant corruption, organized criminality, and serious human rights abuses were embedded in a culture of impunity.

Unlike the previous year, there were new mechanisms to investigate and punish abuse and corruption, but their effectiveness in holding high-level officials accountable for serious violations remained unproven. On April 17, the MOI established an internal criminal court system to try crimes committed by MOI officials, and the first cases were heard in July. There are five regional courts in: Erbil, Mosul, Baghdad, Hillah, and Basrah. All have conducted trials. There is a cassation court to hear appeals in Baghdad. By year's end, the five regional courts had reviewed 1,315 cases, returned 655 cases for further investigation, completed 314 cases, and have 346 cases pending. The officials convicted ranged from officers to police. In November, the court had convicted and sentenced 69 officials to jail and fined one official. In December, the court convicted and sentenced three officials to between five and 15 years, two officials to one to five years, and 91 officials to less than a year in jail, and fined one official.

Between January and June, MOI Internal Affairs opened 3,539 investigations and closed 3,369 of the cases. The MOI fired 499 MOI personnel as a result of the investigations. By September MOI Internal Affairs investigations between January 2006 and June had resulted in 2,529 firings or forced retirements, 3,283 arrest warrants, 2,475 disciplinary actions, 149 arrests for bribe-taking police officers, and 218 convictions. Over the past several years, members of the MOI Internal Affairs staff have been targeted for assassination. The head of MOI Internal Affairs has faced 13 assassination attempts. The MOI director general of internal affairs reported there had been 288 cases of human rights violations and that 180 corruption cases were referred to the Commission of Integrity (COI). On September 4, the inspector general of the MOI reported that the IG office has 384 cases under investigation and referred 49 to the COI for further investigation during the year. The IG office recovered almost 610 million dinars (approximately \$520,000) from salaries from nonexistent employees within the MOI. The MOI appointed a director general for human rights in August; the directorate conducted 42 investigations into human rights violations during the year.

In an environment lacking convictions of allegations, there were fewer allegations of MOD abuses during the year than in the previous year. There were continuing reports of torture and abuse throughout the country in many police stations; the incidents generally occurred during the interrogation phases. MOI employees accused of serious human rights abuses were often transferred rather than fired or arrested.

During the year several members of the security forces were tried or convicted in judicial or internal courts in connection with alleged violations of human rights, but most were not held for more than a few days or weeks. Many of the officials accused of killings and torture in the 2005 Jadriyah bunker incident have returned to work in the Government. Following the 2006 discovery by a joint inspection team of the abuse at the "Site 4" facility in Baghdad, arrest warrants were issued in 2006 for over 50 suspected abusers. However, the MOI executed only three of the arrest warrants by year's end, and there were no trials or convictions (*See Section 1.c.*).

Investigative judges rarely referred security force officials to the Central Criminal Court of Iraq because of Section 136 (b) of the Criminal Procedure Code, which stipulates that such referrals are possible only with the permission of the minister responsible for the suspect. Permission was only given during the year for lower-level officials.

Arrest and Detention.—The constitution prohibits “unlawful detention” and mandates that preliminary investigative documents be submitted to an investigative judge within 24 hours from time of arrest, a period which can be extended only by one day. For offenses punishable by death, the defendant can be detained for as long as necessary to complete the judicial process. Under a state of emergency, the Prime Minister has the authority under “extreme exigent circumstances” to provide authorization for suspects to be detained and searched without an arrest warrant. Law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April 2007, although there were no reliable statistics available on such incidents.

In practice police and army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous persons were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention.

At the end of the year the number of non-Coalition detainees in the country was estimated at 40,000, the great majority being Sunni. The ICS held 19,766; the MOI, unverified but estimated at 19,000; the MOD, 2,388; and the MOLSA, approximately 800. The KRG total was approximately 2,200, not including central government facilities located in the KRG or Asayish and KRG intelligence service facilities.

In practice few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place. Lengthy detention periods without judicial action were a systemic problem. The lack of judicial review was due to a number of factors, whose relative weight was difficult to assess, but included undocumented detentions, backlogs in the judiciary, slow processing of criminal investigations, and a grossly insufficient number of judges. As of June, fewer than half of detainee cases went before a judge within a year of detention.

There were a number of reports that KRG detainees were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were reports that detainees’ family members were not allowed to know their location or visit them. Reportedly police across the country continued to use coerced confessions and abuse as methods of investigation.

The law allows release on bond, and in practice criminal detainees were generally allowed to be released after paying bail, pending the outcome of a criminal investigation.

Judges are authorized to appoint paid counsel for the indigent and did so in practice; however, some attorneys appointed to represent detainees complained that poor access to their clients after their appointment hampered adequate attorney-client consultation.

There were continued reports that MOI detention facility personnel took bribes in exchange for releases. Guards at the MOI’s Second National Police Detention Center in Baghdad and other officials were reportedly asking families for 1170 to 2340 dinars (approximately \$1000 to \$2000) to free their relatives. According to MOI internal affairs, the bribe amounts were significantly lower than in the previous year.

Amnesty.—The COR passed a general Amnesty Law on February 13. Instructions from the Higher Judicial Council (HJC) implementing the law became effective on February 27. The law was published in the Official Gazette on March 3. Pursuant to the law, the HJC formed amnesty committees in each province headed by four judges and a prosecutor to review all detainee cases and, where appropriate, recommend release. The law, designed to foster national reconciliation since detainees are disproportionately Sunni Arab, allowed amnesty for cases predating the passage of the law. It was not applicable for detainees sentenced to death and excluded from amnesty other specified crimes, such as murder and acts of terrorism. At the end of the year the HJC had reviewed over 156,000 cases and granted amnesty in over 23,600 cases affecting individuals held in pre- or post-trial confinement, which relates to an estimated 20,000 detainees (some detainees have multiple cases). At the end of the year, there were approximately 7,500 releases, according to data from the Ministry of Human Rights.

In April 2007, the Kurdistan National Assembly passed a General Amnesty Law for the KRG. The KRG minister of human rights reported on December 16 that over 660 of the approximately 4000 detainees had been amnestied.

Other sections of this report contain related information; *See* Sections 2.a. and 2.d.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. Although the judicial system was credited with efforts to maintain an independent stance, unstable circumstances in the country, as well as the law, made the judiciary weak and dependent on other parts of the Government. Threats and killings by insurgent, sectarian, tribal, and criminal elements caused fear of retribution, impairing judicial independence in virtually all provinces. The MOI agreed to supplement security for judges.

Judges frequently faced death threats and attacks. The MOHR reported in its annual Victims of Terrorism report that 10 judges and 86 lawyers were killed during the year, an increase from five judges killed in 2007 and seven in 2006. Other international reports indicate that six judges were killed during the year. On January 14, Appeals Court Judge Amir Naeib was assassinated on his way to work in Baghdad. On June 26, Judge Kamil Al-Showaili, President of the Rusafa Court of Appeals, was assassinated after leaving the Rusafa Rule of Law Complex in his unarmored car. On June 30, there were five assassination attempts against five judges from the Rusafa Court of Appeals when bombs detonated outside their homes in Baghdad. The judiciary suffered from a severe shortage of security and other support for judges, which has contributed to major deficiencies in the rule of law.

While individual judges were generally viewed as objective and courageous, judges also were vulnerable to intimidation and violence. In Ninewa, the only convictions made in such crimes during the year were by traveling judges from Baghdad. In Wasit, investigative judges refused to issue arrest warrants for terrorists. There were reports that criminal cases at the trial level or on appeal to the Court of Cassation were decided by corruption or intimidation. There were also reports that court-issued detainee release orders were not consistently enforced.

Security threats hindered the ability of citizens to access courts and the judicial system. Witness intimidation continued, and witnesses to criminal trials often failed to attend trials and testify due to threats against them.

The law also restricted the free investigation of wrong-doing. Ministers were afforded the opportunity to review and prevent the execution of arrest warrants against ministry employees lawfully issued by sitting judges presiding over criminal investigations. This provision provided immunity to selected government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch.

On December 14, Human Rights Watch (HRW) reported that the Central Criminal Court-Iraq failed to meet basic international fair trial and due process standards. The report documented lengthy delays before detainees face a judge, low standards of evidence, and inadequate access to legal representation.

The judiciary at all levels—investigative, trial, appellate, and supreme—is managed and supervised by the Higher Judicial Council (HJC), an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation, and the appeals courts. Representatives of the Office of the Public Defender, a judicial oversight board (that hears charges of misconduct by judges), and regional judicial councils also sit on the HJC. Unlike the formal courts, the HJC does not investigate and adjudicate cases involving criminal conduct or civil claims.

The constitution provides for an independent judiciary in all regions. In November 2007, the KRG passed the Judicial Power Law of 2007, which attempted to create a more independent judiciary. The Kurdish Judicial Council (KJC), which had been part of the KRG executive branch's MOJ, became legally independent and took responsibility for the creation of its own budget, human resource management, and reporting. The KRG MOJ no longer has direct operational control over the judiciary, the KRG Ministry of Finance relinquished control of the KJC's budget, and the chief justice was appointed by other judges and not by the executive branch. The executive's influence has been important in politically sensitive cases such as freedom of speech and the press.

The judicial system includes civil courts that address domestic, family, labor, employment, contract, and real and personal property claims. Challenges to the judgments rendered in these civil proceedings are first taken to the appeals courts of the provinces in which the trial courts sit; after that, secondary appeals may be made to the Court of Cassation.

In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the Federal Government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government through-

out the country. The Presidency Council appointed the nine members of the Federal Supreme Court.

At the end of the year the HJC reported a total of approximately 1,200 judges and prosecutors. There were 673 courts throughout the country: 16 appeals courts, 19 criminal courts, 17 juvenile courts, 15 labor courts, 15 commerce courts, 137 civil courts, 138 family affairs courts, 136 misdemeanor courts, 148 investigative courts, 16 Central Criminal Courts, 13 central investigative courts, and three customs courts.

In 2003, the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses from July 17, 1968, through May 1, 2003. After a trial, the IHT in 2006 sentenced former dictator Saddam Hussein to death based upon his conviction for crimes against humanity relating to the killing of 148 villagers from Al-Dujayl following an alleged assassination attempt against him in 1982. Two other regime members, Barzan al-Tikriti and Awad al-Bandar, were also convicted and sentenced to death at the same time for similar crimes. The verdicts were confirmed on appeal. Saddam Hussein was executed in 2006. Al-Tikriti and al-Bandar were executed in January 2007.

In June 2007, in the Anfal Trial, Ali Hassan al-Majid, widely referred to as "Chemical Ali," and two codefendants, Sultan Hashem Ahmed and Hussein Rashid Mohammed, were convicted of genocide and related charges and sentenced to death. The sentences were upheld on appeal. Codefendants Farhan Jubouri and Saber Abdel Aziz al-Douri were sentenced to life imprisonment, and Taher Tawfiq al-Ani was acquitted. The Anfal trial, which concluded in June 2007, concerned the deaths of an estimated 182,000 Kurdish men, women, and children, in part by the use of chemical weapons. The death sentences have not been carried out at year's end because of a dispute between the Prime Minister's office and the Presidency Council (the President and two deputy Presidents) over whether the sentences have to be affirmed by the Presidency Council.

In August 2007, the IHT began its third trial, the 1991 Intifada case, in which 15 defendants were charged with crimes against humanity in the Maysan and Basrah Provinces. The 15 defendants are former high-level members of the former regime and key military and Ba'ath Party officials, including "Chemical Ali" (Ali Hasan Al-Majid). The prosecution's closing arguments were heard September 3, and the defendant's closing arguments were made October 19–23. On December 2, the IHT sentenced al-Majid and Abdul Ghani Abdul Ghafour to death. Former minister of defense, Sultan Hashim Ahmad al-Tai, was sentenced to 15 years (al-Tai already had been sentenced to death for his role in Anfal). The sentences were submitted for appellate review. Four defendants received life sentences, Sultan Hashim and five others were sentenced to 15 years imprisonment, and three defendants were acquitted of all charges. The events in other provinces involving the 1991 Intifada are still under investigation and have yet to be referred to trial.

In April, the IHT began its fourth trial, the merchants' case, where in 1992 the former regime blamed merchants for shortages and high prices. At that time a "Special Court" was convened and 42 merchants brought before the court were convicted and executed within a matter of hours. The eight defendants include former deputy prime minister Tariq Aziz.

On July 21, the IHT began its fifth trial, the Friday Prayers trial, involving the 1999 Shia protests following the killing by Saddam's agents of the Shia leader and father of Muqtada, Mohamed Sadiq al-Sadr. The protests in Baghdad, Maysan, Basrah, and Muthanna were brutally quashed by the 3rd and 4th Iraqi Army Corps, overseen by Ali Hassan al-Majid. Fourteen defendants, including Ali Hassan al-Majid and Tariq Aziz, are standing trial. The prosecution presented its case at year's end, and the defendants are scheduled to present their evidence subsequently.

Two additional cases were referred to the trial chamber. The Halabja case, which includes five defendants and began on December 21, involves the chemical attacks on the Kurdish town of Halabja that resulted in the death of over 5,000 civilians. On December 28, the trial of 25 defendants who are part of the former regime and were allegedly involved in the persecution of DAWA party members began.

In addition to the two new trials in December, three additional cases are scheduled to begin in early 2009. These cases are the Fayli Kurd case, the Ethnic Cleansing case, and the Barzani Clan case.

During the year investigations continued into a number of crimes allegedly committed by members of the former regime, including other atrocities following the 1991 uprising, the draining of the southern marshes, and the invasion of Kuwait. The IHT has also dropped charges against some detainees.

Trial Procedures.—The constitution provides for the right to a fair trial, and judges—investigative, trial, and appellate—generally sought to enforce that right. An accused person is considered innocent until proven guilty and has the right to privately-retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts, however, was insufficient access to defense attorneys. Defense attorneys theoretically were provided, but detainees rarely had access to them before the initial judicial hearing. Many detainees met their lawyers for the first time during the initial hearing. Most of the time defense attorneys were provided at public expense if needed. On May 12, the Rusafa Legal Defense Center opened at the Rusafa Prison Complex in Baghdad providing 25 attorneys to assist 7,500 detainees. On average the attorneys consult with 83 detainees per day, for four days a week. Since May, the attorneys have met with 6,129 detainees including 62 female detainees held at the Rusafa women's prison.

The criminal justice system is based on a civil law regime similar to the Napoleonic Code. It is fundamentally inquisitorial—and not adversarial—in form and content. The system is focused centrally on the search for the truth, initiated and pursued almost exclusively by judges, whose role is to assemble evidence and adjudicate guilt or innocence.

Investigative judges, working collaboratively with judicial investigators, and in some cases police officers, are responsible for interviewing witnesses, assembling evidence, examining suspected criminals, and generating files on the results of the investigative work. Although prosecutors and defense attorneys frequently participated in these pretrial investigative hearings, their roles were, for the most part, limited to recommending the pursuit of certain lines of investigation, including posing suggested questions of witnesses and detainees. They rarely appealed decisions of judges about the manner and scope of their investigations.

Three-judge panels are responsible for trying the accused persons in trials open to the public, based largely on the results of judicial investigations. During those trials the presiding judges question the accused detainees; witnesses may testify at these proceedings. The prosecutor and the defense attorney can make brief closing statements.

After deliberation among the members of the panel, the presiding judge announces the verdict and, in the case of a conviction, the sentence. Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation, a judicial panel that reviews the evidence assembled in the investigative and trial stages and renders a decision.

The constitution provides for the establishment of military courts, but only military crimes committed by the armed forces and the security forces may come before such courts.

Political Prisoners and Detainees.—Unlike in 2007, there were some reports of political prisoners detained during the year. During a major security operation in Diyala Province launched by the Government in August, an estimated 97 percent of the approximately 1,600 security detainees were Sunni Arabs. In this operation a number of prominent members of the province's Sunni Arab political establishment were arrested, prompting complaints from Sunni Arabs that the Government was pursuing sectarian political objectives rather than counterterrorist objectives. Sunni Arabs make up around 60 percent of the province's population. The most prominent detainee was a Diyala Provincial Council member, who remains in custody without trial and without access to legal representation. The Government stated that a rogue unit conducted the arrests, and it would investigate the situation. Some of the Sunni Arab detainees were released, but approximately 300 remain in detention. No further developments in the investigation have been reported.

On December 18, approximately 24 MOI officials were accused of allegedly plotting a coup against the Government and were arrested reportedly by the Prime Minister's Counter-Terrorism Bureau. Most of the MOI officials arrested were low-level traffic police. A judge found no evidence to the allegations and ordered their release after two days in detention. The MOI reported that all 24 were released on December 20.

There was scant information concerning persons detained in Kurdish detention facilities.

The Political Prisoners Organization, a quasi-governmental organization with 500 employees, worked on behalf of Saddam-era political prisoners to reintegrate them into society and the work force. It provided former prisoners with monthly stipends of 500,000 dinars (approximately \$430) and is generally considered to be an effective organization.

Civil Judicial Procedures and Remedies.—The legal framework exists, as well as an independent and impartial judiciary, for dealing with civil issues in lawsuits

seeking damages for, or cessation of, human rights violations. Administrative remedies also exist. However, during the year the priorities of an understaffed judiciary and government administration focused on issues more directly related to security, and these procedures and remedies were not effectively implemented.

Property Restitution.—There was a problem with serious delays in adjudicating claims for property restitution. The Commission for the Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission, is governed by a 2005 law and is an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between 1968 and 2003, for reasons other than land reform or lawfully applied eminent domain. The CRRPD process is intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the former regime's "Arabization" program and other policies of sectarian displacements. The previously announced deadline for filing claims of June 2007 was extended and remained open at year's end.

By year's end the CRRPD received over 164,000 claims nationwide. To date, the CRRPD reportedly has resolved over 67,000 claims nationwide of which over 10,000 relate to Kirkuk. The claims were handled on a case-by-case basis through a technically complex process, but most claims were resolved in a matter of months. There is a CRRPD appellate commission in Baghdad comprised of seven judges. Since 2003, some Arabs previously settled in the Kirkuk region by Saddam's anti-Kurdish policies (wafadin) have returned to their prior homes in the center and south of the country and have applied for compensation. As of December 4, 24,250 wafadin have applied for compensation to the Article 140 committee, which resolves claims for wafadin who seek compensation for returning to their original provinces. Approval for compensation has been given to 16,500, and 8,602 wafadin have received compensation, and in theory, have returned to their original provinces.

g. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution mandates that homes not be entered or searched except with a judicial order issued in accordance with the law. The constitution also prohibits arbitrary interference with privacy. In practice, security forces often entered homes without search warrants and took other measures interfering with privacy, family, and correspondence.

Under the constitution the COR may consent to a state of emergency upon the joint request of the President and the prime minister. Under this authority the prime minister may authorize authorities to detain suspects and search them, their homes, and their work places. The law provides that all such actions must be pursuant to an arrest or search warrant unless there are extreme exigent circumstances. The state of emergency lapsed in April 2007 and was not renewed by year's end; however, there were reports that law enforcement activities often continued as if the state of emergency was still in effect. The police were instructed to comply with legal warrant requirements but reportedly often entered homes without search warrants.

In the KRP-controlled provinces, there was pressure on citizens to join the PUK party in the province of Sulaymaniyah, and the KDP party in the provinces of Erbil and Dohuk.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution broadly provides for the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years for any person who publicly insults the COR, the Government, or public authorities. In practice the main limitation on the exercise of these rights was self-censorship due to fear of reprisals by insurgent and sectarian forces.

The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of persecution. There was widespread self-censorship.

The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party or for "alterations to Iraq's borders by violent means."

There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typi-

cally did not produce a reliable income stream, and lack of a constant power supply was often a problem.

The Government acted to restrict freedom of expression in some circumstances. On March 3, the Journalists' Freedom Observatory reported that IA members physically abused reporters covering a Baghdad car bombing and confiscated their cameras. On September 3, the press reported that the governor of Babil restricted journalists from covering a public protest by civil servants. Also on September 3, according to press reports, guards of the minister of science and technology physically abused and detained briefly a correspondent of the al-Sumeria channel in Baghdad. The Government's 2007 closure of the Baghdad office of the Dubai-based independent Al-Sharqiya satellite television channel continued, although the channel's informal office in the KRG continued to operate.

In February 2007, interior ministry forces arrested 11 media workers at the Baghdad offices of Wasan Media and charged them with inciting terror. They had supplied video footage of a controversial interview with Sabrine al-Janabi, a citizen allegedly raped by police officers in February, to the Al-Jazeera satellite news television channel which continued to be banned from operating in the country. Wasan Media officials denied the accusations. In August 2007, a judge dismissed the charges, and nine of the 11 media workers were released. There was no update at year's end on the two who remained imprisoned.

Media workers often reported that politicians pressured them not to publish articles criticizing the Government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. The threat of legal action was used actively against media workers. On January 27, the editor-in-chief of Al-Sabah newspaper fired several editors on requests from COR members after the newspaper published several articles criticizing representatives' salaries and other financial benefits. On February 20, journalists in Basrah reported that the governor threatened a journalist for criticizing conditions in Basrah. Security forces frequently harassed local journalists. On October 9, 35 journalists were detained inside the COR for one hour after they filmed an argument between parliamentarians.

Print publications and broadcast media were a primary source of news and public discourse in the KRG provinces; however, almost all media outlets were controlled or funded by the major political parties and followed party lines in their publications and broadcasts. On September 22, the KRG approved a KRG press law abolishing jail terms for defamation.

The KDP sponsored a Kurdish-language newspaper, an Arabic-language version, and two television stations. The PUK sponsored a Kurdish-language newspaper, an Arabic-language newspaper, and KurdSat television. Minor parties such as the Kurdish Islamic Union also had their own newspapers, radio stations, and a widely watched television station.

In the KRG, in addition to the party press, there were a few notable independent media outlets that covered government and party corruption, for example, the weekly newspapers Hawlati (the Citizen) and Awene (Mirror), Lvin magazine, and Radio Nawa. However, libel remains a criminal offense in the KRG area, and judges issued arrest orders for journalists on this basis. Journalists were sometimes imprisoned while police investigated the veracity of the information they published.

There also was a marked increase in intimidation of independent journalists by extrajudicial means in the KRG region. Local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the KRG or Kurdish party officials, especially for alleged corruption. For example, on January 29, President Talabani filed a criminal defamation lawsuit against the editor-in-chief of Hawlati for printing an article originally published abroad that criticized the President. At year's end the lawsuit was still pending as more evidence was collected. On July 20, a journalist, Sherzad Shakhani, was sentenced to one month in prison reportedly because of a disagreement with the Erbil governor. On September 3, Edito.—i.—Chief of Biraw newspaper, Mariwan Tofiq, was arrested by police and imprisoned for five days because he allegedly defamed a Kurdish hero.

On July 3, the Kurdistan Journalists' Syndicate published a report accusing KRG security forces of routinely using violence against journalists. On August 4, the International NGO Committee to Protect Journalists (CPJ) issued an open letter to KRG President Barzani condemning the July 22 killing of Lvin magazine reporter Soran Hama and several other attacks against journalists. Lvin Edito.—i.—Chief Ahmed Mira claimed that the killing was likely a result of Lvin's critical stance toward the Kurdish parties operating in Kirkuk. The KRG took no action to help solve the Soran Hama case, claiming that it lacked jurisdiction because the killing happened in Kirkuk.

Violence against the media, primarily by militia and insurgency groups, was commonplace. Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. On February 12, police found the body of Hisham Mijawet Hamdan, a board member of the Young Journalists' Association. Hamdan, whose body showed signs of torture, had been kidnapped two days earlier. On February 27, the head of the Iraqi Journalist Syndicate, Shihab Al-Tamimi died after being shot by unknown gunmen. In April, the Society for Defending Press Freedoms in Iraq, a domestic NGO, reported that JAM was threatening to kill journalists in southern Iraq if they portrayed Sadrists in a negative light. According to the NGO Society for Defending Press Freedoms, JAM elements set fire to homes of journalists and launched rockets at the Ahwar local TV station in Amarra. On September 13, four employees operating out of the informal office in the KRG of the Dubal-based Al-Sharqiya television channel were kidnapped and killed in Mosul. Security officials reported that they arrested 68 suspects. According to the domestic NGO Journalists Freedoms Observatory (JFO), two suspects were still in custody after confessing to the crime. During the year there were 11 journalists killed, one journalist abducted, and two media workers killed, according to the CPJ. The international NGO Press Emblem Campaign reported 15 journalists killed during the year. According to the domestic NGO Journalists Freedoms Observatory, violence against journalists rose by 60 percent in the year beginning in May 2007. During that period, there were 88 violent incidents, harassment, and threats by ISF; 30 arrests by ISF; and nine criminal defamation lawsuits by government officials. The MOHR reported in its Victims of Terrorism report that 197 journalists were killed in various acts of violence between 2004 and 2006.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally low for direct access due to a lack of infrastructure in homes. However, the prevalence of internet cafes contributed to extensive usage among Iraqi youth. According to International Telecommunications 2007 data, there were an estimated 14,900 subscribers and 275,000 users.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, social and religious as well as political pressures restricted the exercise of freedom of choice in academic and cultural matters. In all regions, various groups reportedly sought to control the pursuit of formal education and the granting of academic positions. During the year extremists, insurgents and terrorists targeted cultural figures such as doctors, academics, and scientists. On January 23, dean of the dental college of Baghdad University, Munthir Mirhij Radhi and Mosul University professor Aziz Suleiman al-Nuaimie were killed in Baghdad and Mosul, respectively. On August 23, an unidentified gunman killed Kaamal Shiya, a leading cultural figure and chair of the National Coordinating Committee for the Safeguarding of the Cultural Heritage of Iraq. On February 17, the international NGO Amnesty International (AI) reported that 10 staff members from the University of Baghdad, School of Dentistry, including three professors were arrested. They were released after a few weeks in detention. During military operations in Diyala in August, several professors from the Diyala University were arrested, allegedly for sectarian reasons. Two professors remain in detention at the end of the year.

In the central and southern parts of the country, there were a number of reports of threats by militia, extremists, or insurgent groups against schools and universities, urging them to modify activities, favor certain students, or face violence. Educational institutions often complied with the threats.

According to the MOHR, 340 university professors and 446 students were killed between 2005 and 2007 by insurgents and militias. In 2007, the Ministry of Displacement and Migration (MODM) reported that at least 30 percent of professors, doctors, pharmacists, and engineers have fled the country since 2003. On August 26, the inspector general's office in the MOH stated that 650 of the 8,000 doctors who fled the country since 2003 returned to their jobs in July and August. On September 1, the minister of higher education reported that he recently received 150 applications from academics who want to return to the country. Following the successful military operations in Basrah, academics have started returning to their positions in the universities. Universities in Baghdad reported that professors have returned to their jobs following the improvement in security.

During the beginning of the year, threats against secular female students were occasionally posted on billboards and spray-painted on the walls of Basrah Univer-

sity. A female university professor reported that there were no more threats after the ISF operations in March in Basrah.

Other parts of this report contain related information; *See* Sections 1.b. and 1.d.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly and peaceful demonstration, and the Government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. Until April 2007, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated. Following the lapse of the state of emergency, the Government continued to claim the right to declare curfews in late evening and on holidays in response to security threats.

Unlike in 2007, there were reports that KRG security forces killed or detained protesters when demonstrations protested government acts.

Other parts of this report contain related information; *See* Section 1.a.

Freedom of Association.—The constitution provides for the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The Government generally respected this right in practice, except for the legal prohibition on expressing support for the Ba'ath Party. Within the KRG provinces, some major labor unions and associations were directly affiliated to the PUK in Sulaymaniyah and the KDP in Erbil and Dohuk.

c. Freedom of Religion.—The constitution proclaims Islam as the official religion of the state. While providing for full religious rights for all individuals “such as Christians, Yazidis, and Mandaean Sabaeans,” the constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. While the Government generally respected the right of individuals to worship according to thought, conscience, and belief, private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to conform to extremist interpretations of Islam's precepts.

The Government publicly called for tolerance and acceptance for all religious minorities on many occasions, and it established a high-level minorities committee to monitor and report on the situation of religious minorities. In September, the MOHR published a report on minorities which outlined the major demands of minority communities, discussed the legal rights of minorities, and recommended specific government actions for improving the situation of minorities. The Government also undertook security operations against violent groups in Basrah, Baghdad, and Ninewa, the provinces with the greatest concentrations of minorities. Article 50 of the Provincial Elections Law guaranteed political representation for minorities.

Frequent attacks on places of worship, as well as sectarian violence, hampered the ability of citizens to practice their religion freely. On April 5, Father Adel Youssef, a Christian Assyrian priest, was killed in central Baghdad near his house. On July 12, Mullah Abbas Khadhim, a Shabak leader, was killed in Ninewa Province by unknown gunmen.

On December 14, seven members of a Yazidi family were killed by unknown assailants in their home in Sinjar, a city outside the KRG region but with some links to Kurds.

During the year there were a number of reports indicating that women were pressured to wear veils or face security threats, regardless of the individual's religious affiliation.

There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees who conformed to the religious preference of the respective minister.

Religious groups are required to register with the Government. The requirements include having at least 500 followers. Unlike previous years, non-Muslims did not report that the Government disregarded their religious holidays. On December 20, the MOI sponsored a public Christmas event in Baghdad, which was well attended by Christians and Muslims.

Members of religious minorities continued to flee to the KRG to escape targeted violence, particularly against Christians. In October, violence against Christians in Mosul prompted over 2,000 families to flee to safe-havens in remote parts of Ninewa Province and the KRG. By year's end more than half the families had returned to their home.

During the year, there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Members of these groups living in

areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property and illegally built Kurdish settlements on the confiscated land.

Since the MOI's April 2007 cancellation of its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith, six or seven Baha'is have been issued identity cards. There were reported implementation problems, limiting the numbers of Baha'is who received the identification cards.

Societal Abuses and Discrimination.—Religious extremists, including terrorist groups and special group members, targeted many individuals because of their religious identity. Others were targeted because of their secular leanings. Religious-based violence between Shia and Sunni Arabs continued to decline since mid-2007. The reduction in sectarian violence enabled Shia pilgrims to travel to Samarra and visit the remains of the Al-Askariya Shrine.

Sectarian attacks appeared to decline during the reporting period. All groups continued to report receiving death threat letters demanding they leave their homes. The Government took action to restrain and punish violence and discrimination, such as focusing military operations in areas with heavy militia activity and providing more security for groups facing sectarian threats.

Religious leaders, groups, and centers were in several instances targeted for killings. In January, Christian churches and convents were the target of ten reported bomb attacks. On January 17, a Shia mosque in Baqubah, northeast of Baghdad, was bombed. Police reported eight dead and 14 injured among the worshippers who had gathered to observe Ashura, one of the Shia holy days. The same mosque had been targeted twice before. On February 15, two suicide bombers blew themselves up during Friday prayers at the Shia Jawad al-Sadiq mosque in Tal Afar, a Turkomen town 260 miles northwest of Baghdad. At least four persons were killed and 13 wounded. On April 6, Father Adel Youssef, an Assyrian Orthodox priest, was shot and killed in Baghdad's Karrada district. UNAMI received information that 17 Christians were victims of attacks and kidnappings in the first half of the year, resulting in at least 10 killings. Nine of the incidents were in Mosul; the others occurred in Basrah, Baghdad, and Kirkuk.

In October, 12 Christians were reported killed in Mosul. The attacks began after hundreds of Christians began protesting an initial parliamentary removal of guarantees of seats for minorities on provincial councils in Mosul and the surrounding area. According to UNHCR, 2,000 Christian families fled Mosul after the attacks. The Government, UN, and NGOs provided prompt humanitarian assistance to the displaced. The Government moved quickly to enhance security in Mosul following the attacks. On October 12, Prime Minister Maliki publicly denounced the killings vowing to take "immediate action to resolve the problems and difficulties faced by Christians in Mosul." Iraq's National Security Council set up a committee to assess the situation. In response to the violence and in support of ongoing ISF operations, the Government dispatched two brigades of National Police and increased patrols around Christian neighborhoods. The prime minister also launched an investigation into the attacks; results of which had not been released by the end of the reporting period. According to UNHCR, violence has decreased in Mosul as a result of greater MOI presence, leading to the return of approximately half of the families that had left.

There were also kidnappings, with ransoms paid, of religious figures. On February 29, Archbishop of the Chaldean Catholic Church Paulos Faraj Rahho was kidnapped in Mosul; his body, along with those of his two guards and his driver, was found buried on March 13. On May 18, government spokesman Ali al-Dabbagh said the Central Criminal Court-Iraq sentenced Ahmed Ali Ahmed, an al-Qaida leader also known as Abu Omar, to death for Archbishop Rahho's killing; the sentence has not yet been carried out.

Sabeal-Mandaeen leaders reported that their community continued to be targeted by Islamic extremists. They reported forced conversions, forced hijab (head scarf) wearing by Sabeal-Mandaeen women, and kidnappings for ransom. While ransom payments secured the release of some victims, other victims, despite the payment, were killed or remained missing. On February 2, 10 members of a Sabeal-Mandaeen family died in a rocket attack on their house in the Alaza area in Kut after having received threats from Islamist militants. On September 8, armed men reportedly killed three Sabeal-Mandaeen family members, including a child, in their family store in Baghdad. In March the Mandaean Human Rights Group NGO reported 42 killings, 46 kidnappings, 10 threats, and 21 attacks against Mandaeans in the 13-month period beginning in January 2007.

Members of the Yazidi community reported that they continued to be targeted by Islamists and discriminated against by the KRG throughout the year. UNAMI re-

ported that at least five Yazidis were killed in the first half of the year. A prominent Yazidi leader reported that Yazidis are restricted from entering the KRG and have to get KRG approval for finding jobs in Ninewa Province.

Islamist militants continued to target stores that provided goods or services considered to be inconsistent with Islam. Islamic extremists bombed, looted, and defaced liquor stores in Baghdad and elsewhere.

The country's Jewish population was virtually nonexistent as a result of emigration over decades. However, anti-Semitic sentiment remained a cultural undercurrent. A 2006 citizenship law, among other provisions, precludes Jews who emigrated from regaining citizenship.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

Other parts of this report contain related information; See Sections 2.d., 4, and 5.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. The Government generally respected these rights. However, there were some limitations in practice, particularly regarding travel into and residence in the KRG region. Unlike the previous year, restrictions by provinces on the entry of new IDPs had little impact as there was little new displacement during the year. During the year the World Food Program and the ICRC delivered food rations to IDPs who were unable to access the Public Distribution System.

In September, after Sunni COR member Mithal al-Alusi traveled to Israel, the COR stripped him of his parliamentary immunity in order to make him eligible for prosecution under a 1950s era law that makes travel to Israel punishable by death. In November, the Supreme Federal Court overturned the decision to strip him of immunity in a unanimous vote, ruling it to be unconstitutional.

The Government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems were not completely established by year's end.

Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). Although the state of emergency lapsed in April 2007, the Government availed itself of these powers in practice over the course of the year. In response to security threats, the Government continued to declare curfews and take other necessary military and security measures of limited duration after the state of emergency expired.

Since May 2007, the KRG did not allow persons, including citizens from outside the region, to enter unless a Kurdish resident met them in person and "guaranteed" their stay. Similarly, those from outside the region seeking to live within the jurisdiction of the KRG must have a local resident guarantor, and register on arrival with the KRG Residency Office.

The MOI's Passport Office maintained a policy of requiring women to obtain the approval of a close male relative before being issued a passport.

The constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Internally Displaced Persons (IDPs).—In 2006, sectarian militia and terrorist actions provoked fear and chaos leading to large-scale movements of Sunni and Shia populations from mixed Sunni/Shia areas towards areas of greater sectarian homogeneity. Although the rate of displacement has declined since late 2007, the total numbers of displaced remained high. At the end of the year the International Organization for Migration (IOM) and UNHCR estimated the number of refugees to be two million and IDPs within the country to be 2.8 million, with an estimated one million refugees and 1.5 million IDPs displaced following the 2006 destruction of the dome of Al-Askariya Mosque and Shrine in Samarra, a Shia holy site. Further movements were stimulated by the June 2007 destruction of its two remaining minarets. In October 2007, IOM estimated the August 2007 bombing attacks on the Yazidi areas in Ninewa Province displaced up to 1,000 families. On March 20, an international IDP working group, which includes UNHCR, other UN agencies,

NGOs, and the IOM, reported that of the 2.8 million IDPs, only 1 percent were displaced in the first three months of the year.

According to the KRG, MODM, UNHCR, and IOM, the KRG hosts approximately 873,000 IDPs. Of the total, 635,000 were Kurds displaced from southern and central regions during the previous regime. IDPs arriving after February 2006 numbered 238,000. Hygiene and sanitation for IDPs were generally better in the KRG than in other areas; however, shelter, food, and other concerns remained critical. There were fewer reports than in 2007 of threat letters delivered to Shia and Sunni residents warning them to leave their homes within a certain period of time or face death; however, in general Christian residents in the north saw increased threats in the second half of the year, for example in Mosul during October.

Many Baghdad residents migrated to other neighborhoods due to sectarian violence and lawlessness, while others left the city altogether. Since 2006 according to MODM, approximately 154,000 families have left their homes. According to the March 20 international IDP working group assessment most of the 2006 to 2008 IDPs came from Baghdad and Diyala. Eighty percent of UNHCR-registered refugees came from Baghdad.

Small numbers of IDPs have begun to move back into former residences, particularly in Baghdad. According to information collected by UNHCR a total of 185,000 IDPs and 23,000 refugees returned during the year. Returns to neighborhoods were haphazard and lacked a comprehensive government plan for handling consequent displacement of squatters and were often marred by violence. On August 20, there were press reports of three sniper fire incidents in one week targeting returning Shia IDPs to Sunni neighborhoods in western Baghdad. Many returns occurred spontaneously without assistance or registration.

Prime Ministerial Order 101 and Council of Ministers' Decree 262 promised a process for restitution of property and eviction of squatters, along with a system of grants and stipends for IDPs. The Government provided stipends of one million dinars (approximately \$805) to encourage families to return. According to MODM, as of mid-November, 9,149 families had received the one million dinar grant, and another 1,050 claims were being processed. In August and September the Government opened two Returns Assistance Centers in Baghdad, at which prospective returnees could document their property and ask the police to evict illegal occupants. MODM committed to make rent subsidy payments of 300,000 dinars (approximately \$254) for six months to registered IDPs who are forced into secondary displacement by returnees and the property restitution process. According to UN and NGO sources, the Government made few rent subsidy payments. The Government implemented a policy on property restitution enforced by ISF. In districts where returns occurred, ISF reportedly evicted several thousand squatters with minimal violence.

The Government has no policy for undoing sectarian cleansing. The property restitution policy depended on individual requests for restitution from property owners. There was no wholesale eviction of squatters from neighborhoods. Sunni Arab leaders frequently cited the lack of steps to reverse the worst of the sectarian cleansing as calling into question whether the Government genuinely wants Sunni Arab refugees and IDPs to return to Baghdad.

The Government allowed IDP access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The majority of IDPs in Kirkuk Province are Kurds who left the KRG under the sponsorship of the Kurdish political parties.

Most IDPs were living with families or renting houses in the host community. Other IDPs have occupied abandoned buildings, public buildings, or homes abandoned by other displaced families. Some were living in ad hoc "camps."

The Government, through the MODM, allowed IDPs access to humanitarian organizations, collected information about IDPs and provided some protection and assistance in the form of humanitarian supplies. MODM also coordinated the provision of aid to IDPs with the Iraqi Red Crescent Society. Non-registration limited IDPs' access to basic services and legal documentation necessary to receive food rations from the public distribution system. The Government did not target IDPs or forcibly return them under dangerous conditions. In 2007, the KRG established a directorate for displacement and migration in the KRG Ministry for Extra Regional Affairs.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government did not establish by year's end an effective system for providing protection to refugees. In practice, the Government provided protection against "refoulement," the return of persons to a country where their lives or freedom would be threatened.

The Government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to 15,000 Palestinian refugees, according to UNHCR. Generally refugee groups of Turkish and Iranian Kurds in the KRG reached a high level of integration. For the majority of the 11,135 Iranian Kurds registered by UNHCR as refugees in the north, local integration remained the best and most likely option. For the 15,553 Turkish Kurds registered by UNHCR as refugees, UNHCR's strategies included voluntary repatriation and local settlement, subject to negotiations with Turkey and the Iraqi government on a Tripartite Voluntary Repatriation Agreement and a Local Settlement/Resettlement Protocol for those willing to remain and integrate. Refugee groups in central and southern regions, particularly refugees who were perceived to have been privileged by the former regime such as the Palestinians, Ahwazis in the South, and Syrian Arabs in Baghdad and Mosul, had a lesser chance of integration and continued to face discrimination and protection problems.

Since the end of 2007 there have been few reports of attacks and arrests of refugees in central and southern Iraq. Refugees were targeted periodically in attacks carried out by insurgents, militias, and criminals. According to UNHCR, there has been a reduction in general violence in central Iraq and attacks against Palestinians. There were some credible reports that police targeted Palestinians for arbitrary arrest, detention, house raids, and extortion. On May 22, police arrested 15 Palestinian refugees from Al Waleed camp. UNHCR intervened and secured the release of all detainees by May 25. The arrested refugees alleged that they were subjected to beatings, threats, and intimidation. Some of the refugees had fresh marks consistent with their claim that they were beaten with cables and burned with cigarettes. According to the refugees, they were made to confess verbally under duress that they had participated in terrorist activities. According to UNHCR hundreds of Palestinian refugees left Baghdad to seek refuge in Jordan and Syria during the year; however, there were very few numbers of Palestinians trying to flee Baghdad for Al Waleed camp. UNHCR reported that it was working with MODM to provide ID cards to the 15,000 Palestinians remaining in Iraq. MODM reported in August that it had registered 10,500 Palestinians in Baghdad and expected to provide ID cards to an estimated 3,000 Palestinians in Basrah and Ninewa.

Sudanese refugees were relocated to UNHCR's newly established Emergency Transit Center (ETC) in Romania for third country resettlement by UNHCR. The 139 Darfurians, who could not return to Sudan after 2003, were subjected to violence in Baghdad in 2004 and 2005 and fled the capital to a makeshift camp in the Anbar desert. In December, 97 arrived at the ETC, with the remainder expected to follow in January 2009.

The threats against refugees favored by the previous regime subsided throughout the year. Nevertheless, lack of proper identification documentation compromised freedom of movement and personal security for certain refugee groups, namely Palestinians and Syrians in Baghdad and Ahwazis in Basrah.

Other parts of this report contain related information; See Sections 1.a., 1.d., and 2.c.

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

In 2005 citizens voted in a referendum to adopt a permanent constitution, which included the full panoply of protections of human rights including the right of citizens to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level in 2005 when they elected the 275 members of the COR. The Independent Electoral Commission of Iraq had sole responsibility for administering the 2005 referendum and elections.

In January 2007, the COR passed the Independent High Electoral Commission (IHEC) Law, which the Presidency Council approved in February 2007. In April 2007, the COR appointed the nine IHEC Commissioners in a process that the UN deemed fair and transparent.

Article 140 of the constitution calls for resolution of the status of Kirkuk and other disputed internal boundaries by December 31, 2007. At the end of 2007 the major political blocs, including the Kurdish parties and the KRG, agreed to a six-month technical delay in implementation and to seek technical assistance from UNAMI on structuring a process of implementation. The Provincial Elections Law adopted in October provided for a committee to be established that would submit a report to the COR by March 31, 2009 on mechanisms for power-sharing, property restitution, and demographics in Kirkuk. The COR was expected to enact a special law for the elections in Kirkuk subsequent to submission of the report. UNAMI was working with respective entities on a process to implement Article 140 on all dis-

puted internal boundaries in Iraq. The first stage of the UN report was delivered to the KRG in July, and the KRG rejected its recommendations. A second report was due after provincial elections in January 2009.

Elections and Political Participation.—The 2006 final report of the International Mission for Iraqi Elections stated that the 2005 national elections met internationally recognized electoral standards for free and fair elections and the election results reflected the will of the voters.

Political parties and candidates had the right to propose themselves or be nominated by other groups. The Government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views, apart from the legal prohibition on supporting the Ba'ath Party.

The country's political parties, as a general rule, tended to be organized along either religious and/or ethnic lines. Shia Islamist parties, such as the ISCI, the al-Dawa al-Islamiyya Party, and the Sadrist Trend, as well as Kurdish nationalist parties such as the KDP and PUK, were the predominant political forces. Other political players included the Sunni Iraqi Islamic Party and ethnic minority parties, such as the Assyrian Democratic Movement.

Membership in some political parties conferred special privileges and advantages in employment and education. The KDP and PUK reportedly prevented the Government employment of non-party citizens.

On September 24, the COR passed and on October 3, the Presidency Council ratified a law on provincial, district, and sub-district elections. The law provides for Provincial Council elections in the 14 provinces other than Tameem (Kirkuk) and the provinces of the KRG by January 31, 2009, and district and sub-district elections within six months of provincial elections. The Law of Governorates Not Incorporated into a Region (Provincial Powers Law), passed by the COR in February, was scheduled to go into effect when the new Provincial Councils are seated. The Provincial Councils, which coordinate with the national government to provide resources and services, such as gasoline, security, health, and education, to the local population, was expected to have further latitude when the law goes into effect. There was no quota required for women, but entities were required to have 25 percent representation of women on their list of candidates.

On November 3, the Council of Representatives passed an amendment to the law that granted six seats to minorities. Christians received three seats, one each in Baghdad, Ninewa, and Basrah; Yazidis and Shebaks received one seat each in Ninewa; and Sabeen Mandeans received one seat in Baghdad. The amendment was approved by the Presidency Council on November 8. Minorities also are eligible to compete for general seats.

Past Sunni Arab election boycotts caused the under-representation of Sunni Arabs in provincial councils. In Baghdad Province, which in 2005 was approximately 40 percent Sunni Arab, only one Sunni Arab was elected to the 51-member Baghdad provisional council. The Sunni boycott in Tameem (Kirkuk) also resulted in clear under-representation.

In the 2005 election, female voter turnout was reportedly as high if not higher than male turnout. The 2005 national elections law provides for the election of women to the COR, aiming to achieve a minimum of one-quarter female representation.

There were 75 women in the COR, under 25 percent of the membership. Women chaired two of the 24 standing committees. There were five female ministers of 37 in the cabinet: the ministers of state for women's affairs and provincial affairs; and the ministers of human rights, environment, and housing and construction. Additionally two cabinet members were from religious and ethnic minority groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, large-scale corruption pervaded the Government, and public perception of government corruption continued to be high. Intimidation and political influence were factors in some allegations of corruption, and officials sometimes used the "de-Ba'athification" process to further political and personal agendas.

Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role, partly due to a lack of effective legislation, as well as lack of political will to eliminate widespread corruption. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency.

The law did not provide public access to government information for citizens and non-citizens, including foreign media. Government officials who were required by law to file financial disclosure reports, such as ministers, governors, and parliamentarians, in many cases failed to do so. The Commission of Integrity (COI), formerly

the Commission on Public Integrity, was authorized by law, but was not powerful enough to enforce such disclosures. On January 3, the Government held its first conference on corruption and outlined an 18-point plan to fight corruption. On March 17, the Government signed the UN Convention against Corruption.

The COI, formed in 2004, is the Government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the Government nationwide (except for the KRG). The COI, with a staff of 1,285, which reports to the commissioner of integrity and legislature, has the authority to refer cases for criminal prosecution. Since its establishment, the COI sent to trial only 300 of more than 4,000 cases under investigation and 143 persons were convicted on corruption charges. Approximately 70 percent of those convictions were overturned as a result of an amnesty law passed on February 28. An estimated 700 of the investigations, including the convictions, were curtailed as a result of amnesty. Even with the case reduction, the caseload far outstripped the organization's investigative capacity and reflected intimidation and lack of training.

According to a prime ministerial order, the COI may not initiate cases and has instructed the ministerial Inspectors Generals to perform all initial investigations. In practice this order has placed the ministers in control of any investigation of corruption within their own ministry. There are documented instances where the ministers have ordered major corruptions investigations to be dropped.

The constitution provides immunity from arrest to COR members unless the member is caught in the criminal act or charged with a felony and the immunity is overturned by a majority vote of the COR.

Paragraph 136 (b) of the Criminal Procedure Code provides ministers with the ability to prevent enforcement of the arrest of their employees. This law allows ministers to halt corruption proceedings against their employees. Although in 2007 there were at least 67 separate occasions when a minister reportedly halted adjudication and arrest of employees suspected of corruption by the COI, there was only one such case reported during the year. The prime minister created a committee in April to review all 136 (b) cases. In other cases, ministers ignored the court and prevented prosecution without formally refusing permission to try a case in court. Other incidents included ministries effectively stalling the investigation by failing to provide information or not complying with requests for officials to appear in court. The prime minister's approval was required before corruption cases proceed forward against members of the Presidency, the Council of Ministers, or any current or previous ministers.

In October 2007, COI Commissioner Judge Radhi al-Radhi alleged during testimony before a foreign legislature that corruption cost the Government 22.5 quadrillion dinars (approximately \$18 billion) in the previous three years, affecting virtually every government ministry and involving some of the country's most powerful public officials. The Government accused Radhi of fleeing the country to avoid corruption charges and appointed Moussa Faraj to replace him as Acting COI Commissioner. Radhi denied the accusations, and the sums about which Radhi testified have not been independently verified. On April 11, Faraj said corruption cost the Government \$250 billion in the last five years and added that the MOD was the most corrupt ministry, followed by electricity, oil, trade, interior, and health. On January 17, the Council of Ministers appointed Judge Raheem al-Ugaili to head the COI, although the COR had not confirmed his nomination by year's end.

Unlike in 2007, there was one new high-profile corruption case in the courts. On July 7, several top officials of the Iraqi Red Crescent Society (IRCS) were dismissed for the alleged misuse of IRCS funds; the dismissal was confirmed by the IRCS board in September. Arrest warrants were issued against Sa'ed Hakki, President of the IRCS, Jamal Karbouli, vice-President, Adnan Khademi, Hakki's deputy, and others and stemmed from alleged misappropriation of government funds provided to the IRCS for the past four years and other forms of corruption. Karbouli was arrested; Dr. Hakki remained at large at year's end.

On March 5, the COR Integrity Committee decided to further investigate Minister of Health Salih al-Hasnawi after criminal charges were dropped in court, based on information submitted by the Inspector General of the Ministry of Health, who uncovered fraud related to the import of counterfeit medicines and financial corruption. All officials charged and imprisoned with criminal negligence and implicated in the former defense minister's 2004 theft of 1.3 trillion dinars (approximately \$1 billion) were granted amnesty immediately after passage of the Amnesty Law, except for the minister who remained outside the country and was convicted in absentia in 2006. In September, six officials from the Ministry of Trade were forced into early retirement as part of an anticorruption plan; there were no charges.

There have been several accusations by government officials supported by documented evidence pointing to large scale corruption, but these allegations have not yet been investigated.

In 2006, former minister of electricity Ayham al-Samaraii was sentenced to two years' imprisonment on charges of corruption. Several charges were amnestied following the Amnesty Law passage. After fleeing the country, he remained at-large at year's end.

According to an external assessment of the Ministry of Interior, nearly 3,000 employees were fired on administrative corruption charges between 2006 and June.

The Government also has a system of 34 inspectors general (IG) in the various ministries, the city of Baghdad, the Central Bank (dismissed on September 16), and the religious endowments. In September 2007 the Council of Ministers issued an order effectively blocking ministries' cooperation with the COI, making the inspectors general, appointed by the prime minister and confirmed by the COR, the primary investigators of corruption in the central government ministries. The mandate of the inspectors general, with 1,795 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. More than 50 percent of these offices have a human rights unit within their organization.

According to the Government, eight IGs were relieved of duty after evaluation of their work by the head of the Board of Supreme Audit (BSA), head of the COI, and Secretary General of the Council of Ministers. The IGs were from the Ministries of Culture, Foreign Affairs, Municipalities, Water Resources, and Youth and Sports, as well as the Sunni Endowment, Christian Endowment, and Central Bank.

In contrast to the internal audit function performed by the ministerial IGs, the role of external auditing was conducted by the BSA. BSA is responsible for conducting audits of all ministerial contracts; the BSA also audits the COR, the COR presidency, and each member's allowance and expenditures. BSA, COI, and ministerial Inspectors General continued to suffer from a lack of political support.

Political parties subjected the COI to a number of high-level attempts to influence prosecutions. Members of the legislature also reportedly attempted to pressure the court on numerous occasions.

There were allegations that during the year, government authorities along party lines avoided pursuing prosecutions of document fraud and misrepresentation of credentials.

There were reports that various government ministries employed a substantial, but undetermined number of nonexistent "ghost" employees with multiple records and duplicate salaries. During the year in the KRG there were roughly one million employees on the Government payroll out of a total population of approximately three million.

Unlike previous years, rates of absenteeism and desertion of ISF members decreased, and there were fewer reports of payroll fraud.

On August 25, the KRG established a corruption committee, comprised of seven KRG ministries, to review the level of corruption and make recommendations on how to prevent corruption. KRG Minister of Planning Othman Shwani headed the committee. The KRG contracted an international accounting firm to study KRG institutions and make recommendations on anticorruption measures.

Local business organizations in the KRG complained that the KRG did not publicly tender contracts in sufficient time to allow local business owners to compete, and that political and personal favoritism determined the results.

Both the COI and the inspection system remained vulnerable during the year. There was widespread intimidation, but there were fewer killings and attacks than the previous year against COI employees, inspection personnel, witnesses, and family members involved with COI cases. On May 25, the director of investigations at the Ministry of Health was killed in Baghdad, and in an unrelated attack on the same day the BSA Director General at the Ministry of Trade was attacked as she left the Ministry. COI employees reported that one employee was killed during the year and 39 employees or family members were killed since 2005.

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

The Government's cooperation with NGOs and with the UN and its agencies on human rights issues was minimal, generally citing varied security restrictions. On May 4, the Government signed an agreement with the ICRC, granting it legal status and permanent representation in the country. ICRC also has increased access to visit detainees at central government detention facilities due to verbal agreements it has with several ministries that grant it unrestricted access to all detention facilities. A prime ministerial order declared that only ICRC and MOHR had unrestricted access to all detention facilities in the country except those run by the KRG. ICRC

had a separate agreement with the KRG for unrestricted access to KRG detention facilities.

All nongovernmental investigations of alleged human rights violations, such as access to prison and detention facilities, continued to be highly restricted. The Government attributed restrictions to the security situation and its policy of allowing only MOHR and ICRC unrestricted access to detention facilities. The Government generally did not permit detention center or prison visits by NGOs. However, the MOHR did meet with domestic NGO monitors and responded to their inquiries by opening MOHR investigations into alleged violations.

During the year activity and advocacy by the country's relatively new NGOs remained weak overall. At the end of the year more than 6,000 NGOs were registered, although according to the director of the NGO Office, only approximately 1,800 were operational, including 235 human rights NGOs and 181 women's rights NGOs. The vast majority of human rights NGOs were affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. Branches of international NGOs and NGOs serving women did not generally subscribe to this pattern.

The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. Only one office in the country, located in Baghdad, accepted registrations for NGOs. Unlike the previous year, NGOs did not have their assets frozen arbitrarily by the Government, according to two well-established NGOs.

As a standard practice, the Central Bank of Iraq froze the assets of organizations, including both international and domestic NGOs, contractors, and unions if the Government determined that the organization held a significant amount of funds from an unknown source. This practice affected NGOs that were not registered or have not held elections that the Ministry of State for Civil Society Affairs (MOSCA) has judged to be fair. Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services. According to NGOs, unlike last year, assets of women's rights NGOs were not seized.

During the year, unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur.

Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs.

The Kurdish areas, which have been largely autonomous since 1991, were able to develop a stronger NGO community, although many Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

The national government and the KRG were both "strongly critical" of UNAMI's April 2007 assessment of the human rights situation in the country, based largely on the tone rather than the substance of the report, according to UNAMI. There was little criticism of UNAMI's January-June report.

Although no ombudsman existed, a national MOHR and a KRG ministry focused on raising awareness and knowledge of human rights and conducting prison visits. Each ministry reported to its respective prime minister. The MOHR published a 2007 report on prison conditions, but not a new report by year's end. The KRG published no similar report. The national MOHR attempted to monitor human rights abuses and advocate for and assist victims, and issued public reports on prisons and detention centers, minorities, and victims of terrorism. Limited resources and poor cooperation from other ministries limited the Ministry's effectiveness. The effectiveness of the KRG MOHR was limited by a lack of trained human resources and effective follow-up throughout the Government on human rights issues. The KRG MOHR and the KRG's Honor Killing Monitoring Commission, established in June 2007, were active on women's issues, particularly on steps to end honor killings. The KRG MOHR collated and published monthly data on honor killings.

On November 16, the COR Committee on Human Rights passed legislation establishing an Independent High Commission of Human Rights. On December 14, the legislation was ratified. The COR Committee also advocated publicly the raising of standards in government detention facilities and prisons. The KRG's legislative body, the Kurdistan National Assembly, formed a special committee to deal with human rights and detainee issues in 2007 but did not issue any public reports.

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

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The law prohibits dis-

crimination on the basis of race, disability or social status. The Government did not effectively enforce these provisions.

Women.—The constitution provides for equal treatment before the law without discrimination based on gender; however, in practice, discrimination existed, and enforcement of equal treatment was uneven.

The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women. Women's rights activists continued to be targeted by militant groups. On December 18, Nahla Hussain, the leader of the women's league of the Kurdish Communist Party, was killed by gunmen in Kirkuk. The MOHR reported in its annual Victims of Terrorism report that 580 women were killed and 1,940 wounded in various acts of violence during the year. UNAMI reported in its January-June human rights report that kidnapping of young women increased in the second quarter of the year. UNAMI received information of 26 kidnapping cases of women aged 11 and older. Most of the women were released within days; there was no further information into the circumstances of the kidnappings.

The penal code prohibits rape, does not address spousal rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators. It was difficult to estimate the incidence of rape or the effectiveness of government enforcement of the law; however, there were many allegations of rape at police stations during the initial detention of prisoners.

The constitution prohibits all forms of violence and abuse in the family, school, and society. Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unreported and unpunished by the judicial system, with abuses customarily addressed within the family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as a lack of police and judicial personnel, further hampered efforts to bring perpetrators to justice.

There are no specific laws that concern domestic violence. Under the Penal Code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom." Existing laws were widely unenforced, including those on domestic violence.

During the year, NGOs reported that domestic violence against women increased, although no reliable statistics existed. On June 23, the NGO Iraqi Women's Network reported that violence against women increased in the first half of the year. Throughout the year 72 women were reportedly killed in Basrah for various reasons, according to local statistics. According to statistics from the Basrah Police Directorate Statistics Division, 147 women were killed in 2007, the majority due to terrorism.

"Honor killings" were a serious problem. Legislation in force permits "honor" considerations to mitigate sentences. During the first three months of the year before ISF operations in Basrah, 35 women were killed. From April to December 37 women were killed, including six honor killings and nine killings from domestic violence. On December 19, the Basrah Police spokesman reported that honor killings had dropped 90 percent during the year compared to 2007 due to the improved security situation. Rand Abdel-Qade was killed by her father on March 16 for befriending a British soldier. Her mother, Leila Hussein was killed on May 17 after denouncing and divorcing her husband. On December 19, national media reported that two women were killed in honor crimes in Basrah.

Honor killings were also widespread in the Kurdish region. The KRG minister of human rights reported on December 16 that the KRG does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The KRG MOHR reported that between January and August, 77 women were killed in honor killings. During this period, 211 women were burn victims. According to the Erbil hospital, 154 women were killed in Erbil between January and November. On April 2, three persons accused of an honor killing in Sulaymaniyah were arrested by the Asayish, according to press reports, but were later released. The suspects reportedly fled the country. The KRG reported that there were 528 honor killings in 2007; civil society observers and UNAMI in its human rights report considered the number to err on the low side. During the year, there were anecdotal reports from an NGO that between 200 and 250 women self-immolate in the region each year.

On May 13, two days after a shooting at a women's shelter, the KRG Violence Against Women Commission, which is under the direct supervision of the prime minister and deputy prime minister, created monitoring boards to ensure that the region's existing laws to protect women are upheld and enforced by the courts. The commission also recommended that "komalayati" bodies, or traditional panels led by village elders to reconcile disputes, no longer play a role in deciding legal cases. The

monitoring boards are reportedly underfunded, and members lack appropriate training. Komalayati boards still play a role. In October and November, five murder cases were resolved by these boards.

Private shelters for women exist; however, space was limited. Information regarding their locations was closely held. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the Government. On May 11, armed gunmen attacked the women's shelter Asuda, a Sulaimaniyal-based women's NGO that provided shelter for victims of violence and abuse, seriously wounding one of the shelter's residents. Asuda had worked since 2000 to highlight the plight of female victims of violence, domestic abuse, and tribal honor killings.

Prostitution is illegal. During the year, reports of prostitution increased. According to the NGO Organization for Women's Freedom in Iraq, some women have resorted to prostitution in order to provide for their children. On June 15, the Kurdish Lvin magazine published a detailed report on police involvement in a major Kirkuk prostitution ring, which routinely bribed government officials with prostitutes. The woman who ran the network asserted that there are over 200 brothels in Kirkuk. The author of the Lvin article, Soran Hama, was killed on July 21. The case remained unsolved at year's end.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported pressure to wear veils. Women were targeted for undertaking normal activities, such as driving a car, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a conservative interpretation of Islam.

Islamic extremists reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public. On April 30, according to international press reports Basrah police acknowledge that 15 women a month were killed for breaching Islamic dress codes. In December 2007, Basrah's police chief Major General Abdul Jalil Khalaf, who has since been replaced with Adil Daham in June, confirmed that police documented that 57 women were killed and their bodies dumped in the streets of Basrah since mid 2007 for behavior deemed un-Islamic.

Women's NGOs reported that during the beginning of the year warning messages were posted in public areas in Basrah threatening women against wearing makeup or appearing in public without a headscarf. Several sources suggested the restrictions against women significantly decreased since the March ISF operations in Basrah.

The MOI's Passport Office maintained a national policy requiring women to obtain the approval of a close male relative before receiving a passport.

The Ministry of State for Women's Affairs, with an approximately 20-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire more employees.

Weak labor laws and the lack of an equal opportunity employment law left women vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.

The MOLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Children.—The Government in general was committed to children's rights and welfare, although non-citizen children were denied government benefits. They had to pay for services that were otherwise free, such as public schools, health services, and, except for several hundred Palestinian families, were not eligible for the national food rationing program.

Unlike in 2006 the Higher Education Commission set up by the Tameem (Kirkuk) Provincial Council stated that any student could enroll in school if they had Tameem registration papers. Free primary education is compulsory for citizen children for six years, and 89 percent of students reached the fifth grade. According to the Ministry of Education, total elementary school enrollment during the 2007–2008 school year was 4.33 million students, an increase from 4.15 million during the 2006–2007 school year.

According to information from the Central Organization for Statistics and Information Technology in the Ministry of Planning, literacy (15 to 45 years-old) was 65 percent. There was an increase in the number of illiterate children between the ages

of six to 11 who are not in school due to security, poverty, and homelessness. NGOs and international organizations noted increasing numbers of street children since mid-2007. Approximately 66 percent of women between the ages of 15–24 were literate. Literacy varied considerably between urban and rural areas of residence, with less than half the women in rural areas literate compared to 80 percent in metropolitan areas and 72 percent in other urban areas.

MOH clinics provided health care, which was largely free to all citizens. There was no systemic difference in the care provided to boys and girls.

Female genital mutilation (FGM) is not illegal and was reported in the rural areas of the Kurdish region. The Government offered no substantive assistance for victims of FGM.

Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.

MOLSA operated 19 orphanages for older children in Baghdad and the provinces, housing a total of 392 children, and 40 orphanages for young children, housing approximately 2,000 children.

In June 2007, an orphanage in Baghdad was discovered to be housing 24 severely malnourished boys from 3 to 15 years-old. The boys were found naked in a darkened room without windows and were tied to their beds. The children were provided medical treatment (six had cholera) and moved to another orphanage. Arrest warrants were issued for three employees of the orphanage, all of whom remained at large at year's end.

Despite laws against child labor, children often worked illegally on farms or in street commerce.

In April, the UN Special Representative of the Secretary-General for Children in Armed Conflict issued a report that highlighted widespread child recruitment into armed militia groups throughout the country. There were numerous reports of children being used to fight government forces during military operations in Sadr City in March and April. The MOHR reported in its annual Victims of Terrorism report that 376 children were killed and 1,594 wounded from various acts of terrorism during the year.

Trafficking in Persons.—The constitution states that forced labor, slavery, slave trade, trafficking in women or children, and the sex trade should be prohibited; however, there were reports that persons were trafficked to, from, and within the country. In October, the Government established a committee to examine trafficking problems after the MOHR raised concerns about the existence of trafficking in the country.

Although reliable statistics did not exist, Iraq was a source and destination country for men and women trafficked for commercial sexual exploitation and involuntary servitude. Children are trafficked within the country and abroad for commercial sexual exploitation. Women are trafficked within the country, as well as to Syria, Jordan, Kuwait, Qatar, United Arab Emirates, Turkey, and Iran for the purpose of commercial sexual exploitation. The country is also a destination for men and women trafficked from Georgia, India, Pakistan, Indonesia, Nepal, Philippines, and Sri Lanka for involuntary servitude as construction workers, cleaners, and handymen. Women from the Philippines and Indonesia are trafficked into the Kurdish territory for involuntary servitude as domestic servants. Some of these workers are offered fraudulent jobs in Kuwait or Jordan, but are then tricked or forced into involuntary servitude in Iraq instead; others went to the country voluntarily, but were still subjected to conditions of involuntary servitude after arrival.

On January 29, the domestic press reported that two Swedish journalists discovered a market for selling children in Baghdad. On February 26, Tariq Al Ta'e, chairman of the NGO Iraqi Human Rights Justice Center in Baghdad, stated his center was following 16 cases of missing children.

On April 23, 42 Bangladeshis were repatriated with the help of IOM after being trafficked into the country by illegal traders. Those who returned estimated that an estimated 10,000 more Bangladeshis were still in the country, without jobs and proper documents, and stated that agents seized passports from workers in and around Kurdistan. On August 14, press reports indicated 43 Nepalis were repatriated after allegedly coming to the country for work but found upon arrival that their passports were seized, and they were forced to live in one hotel room. In December, IOM began investigations into the cases of third country nationals who had been abandoned after seeking employment in Iraq and were forced to live in transit housing and makeshift camps by the Baghdad Airport. IOM began facilitating the return of some of the workers; others found jobs with international contracting companies.

Anecdotal evidence and media reports suggested that some trafficking victims were taken from orphanages and other charitable institutions by employees of these

organizations. MOLSA and the Ministry of State for Women's Affairs continued to accuse private orphanages of involvement in these activities and stated a private orphanage in Sadr City trafficked young girls for forced prostitution. MOLSA called for all private orphanages to be under its purview and inspection authority; however, MOLSA did not achieve this goal by year's end. There were also reports that criminal gangs used threats and blackmail to exploit teenage boys sexually for commercial and other motives.

Both the MOI and the KRG MOI have responsibility for trafficking-related issues. However, the demands of the security situation relegated trafficking to a lower priority. Trafficking crimes were not specifically enumerated in MOI statistics on criminal activity. During the year, the Government neither prosecuted any trafficking cases nor convicted any traffickers. The Government offered no protection services to victims of trafficking, reported no efforts to prevent trafficking in persons, and did not acknowledge trafficking to be a problem in the country. On August 11, KRG Parliamentarian, Kareen Bahri, told the press that there is no trafficking of women in the KRG.

The MOI did not monitor trafficking crimes, include them in the police-training curriculum, or conduct trafficking-related investigations.

The MOLSA and MOHR also had roles in anti-trafficking efforts. The Government did not have programs to prevent trafficking; however, it operated orphanages and homeless shelters, which may have prevented vulnerable individuals from becoming trafficking victims.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of female victims being kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Few shelters existed in the country; most were run by NGOs.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination in employment, education, access to health care, and other state services against persons with physical disabilities. The Government enforced the law in the Government sector but not in the private sector.

MOLSA operated several institutions for the education of children and young adults with disabilities. MOLSA also operated workshops and associations to provide employment opportunities to persons with mental disabilities.

As of October, 17 institutes operated in Baghdad and the non-KRG provinces outside of the KRG for persons with mental and psychological disabilities and housed approximately 1,100 persons. Additionally, there were 34 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The Government, through the Prime Minister's Office and Ministry of Health, provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities.—Ethnically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix is likewise varied. Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines or in any other language in private educational institutions.

During the year, discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkmen, Arabs, and Assyrians. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Tameem (Kirkuk) frequently charged that Kurdish security forces targeted Arabs and Turkmen.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A 2006 citizenship law prevents Palestinians from obtaining citizenship or Jews who emigrated to other countries from reclaiming citizenship.

Other Societal Abuses and Discrimination.—There were continued reports of societal discrimination and reported violence against individuals based on sexual orientation.

Since 2003, the Iraqi Lesbian, Gay, Bisexual and Transgender Organization stated that 430 gay men have been killed because of their sexual orientation. The international NGO provided shelter for an estimated 40 men between 14 and 28 in several Baghdad safe houses. During the year there were reports of discrimination and violence against homosexual men and women, mostly by militias. On September 25, a coordinator of the NGO was killed in Baghdad by militia members, according to press reports. There were no government statistics on discrimination or on government programs protecting such groups, and requests by news agencies for information have been largely ignored.

According to press reports, on November 24, freelance journalist Adel Hussein was sentenced by a court in Erbil to six months in prison for violating a public decency law by writing an article about homosexuality. On December 7, KRG President Barzani pardoned him. The article was published by independent Kurdish Hawlati in April 2007.

Other parts of this report contain related information; See Sections 1.c, 2.c., and 6.d.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides the right to form and join unions and professional associations, subject to regulating law. Labor Law 150 of 1987, enacted by the Saddam government, did not technically remove that right. However, it declared virtually all public sector workers to be government “executives,” and therefore legally ineligible to form or to join unions, a move that, in effect, eliminated unions and the right of association from the public sector. In the private sector, the extant 1987 Trade Union Organization Law allows employees to form workers’ committees, with limited rights of association, in private sector work-sites employing more than 50 workers. Originally, this was also intended, in practice, to remove the right of association from a majority of private sector workers, because most private sector businesses employ fewer than 50 workers. Decree 8750 of 2005, which cancelled unions’ leadership boards, froze their assets, and formed an inter-ministerial committee to administer unions’ assets and assess their capacity to resume activity, also inhibited union activity. The laws and decree do not prohibit antiunion discrimination by employers or others. In addition to this oppressive legal and regulatory framework, violence and insecurity, high unemployment, and maladapted labor organizational structures inhibited the exercise of labor rights.

Despite the restrictions, however, MOLSA worked with the International Labor Organization (ILO) during the year to prepare modern labor legislation that was expected to supersede the 1987 laws and the 2005 decree, and conform to international statutes and to retrain ministry staff in applying its provisions. The legislation was under constitutional review at year’s end.

During the year MOLSA also made some progress toward reforming and removing some the limitations the Saddam regime had imposed on workers’ rights. In the private sector, MOLSA extended the right to form workers’ committees to work sites employing fewer than 50 persons. In the public sector, it permitted workers in several state-owned enterprises (SOEs) and in some sectors of the Ministry of Oil to form workers’ committees. Several of these committees were in the nascent phase of their existence, so there was little reliable information as to their numbers or their effectiveness at year’s end. However, MOLSA officials stated that the committees are already cooperating with MOLSA to help enforce occupational safety standards. However, public sector unions were still not permitted in practice, while private sector unions enjoy the right to seek government arbitration for labor disputes, but not the right to strike.

The MOLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

The Government was the largest employer in the country; reliable estimates indicate the public sector accounted for 30 to 35 percent of the total workforce. There were no government-sponsored prosecutions or attacks on trade union activists during the year.

During most of the year MOLSA only recognized and dealt with private sector unions belonging to the General Federation of Iraqi Workers (GFIW). The GFIW formed in 2005 when the Iraqi Federation of Workers’ Trade Unions, the General Federation of Trade Unions, and General Federation of Iraqi Trade Unions merged. During the year MOLSA also worked to monitor workplace safety and workers’ rights with 11 independent unions, which were officially registered with the Govern-

ment but would not be formally recognized unless the new ILO-compatible legislation is enacted.

The constitution states that every citizen has the right to demonstrate and strike peaceably in accordance with the law; however, the extant 1987 labor code rules out the existence of public sector labor unions capable of carrying out industrial action and prohibits striking in the public and private sectors. There were no major strikes. However, workers at state-owned companies affiliated with the Ministry of Oil in Basrah walked off the job briefly in June to protest a government decision to transfer eight labor activists and to demand the legal right to strike. The event was resolved following MOLSA mediation. Public sector workers in several areas also engaged in organized protests or brief work stoppages in August in support of a government bill to raise wages.

b. The Right to Organize and Bargain Collectively.—The extant 1987 labor code in effect rules out the existence of labor unions able to carry out any free and independent labor union activity and therefore effectively prohibits independent organizing and collective bargaining in the public and private sectors.

Because unions have no legal power to negotiate with employers, proactive protection of workers' rights through collective bargaining and written collective contracts is not possible. Unions, however, can play a reactive role when there are labor disputes, and they have the right to demand government arbitration. The 1987 Trade Union Organization Law defines "labor disputes" as collective conflicts arising between workers and employers over the provisions of the labor code and/or individual employment contracts. Government labor courts are empowered to rule on labor code violations and disagreements. MOLSA officials, who are charged with ensuring that public and private sector employers provide workers government-mandated social security, pension, health care, and other benefits regardless of the size of the company, readily acknowledged that enforcing these social safety net laws was made more difficult without the partnership and cooperation of strong unions.

The absence of collective bargaining and collective contracts at national and local levels significantly diminished unions' power to defend workers' rights pertaining to their access to social protection.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, according to press reports, foreign workers were sometimes subjected to abusive forced labor. Foreign workers were also reportedly induced, tricked, or forced to enter the country for work via nearby countries. In some cases, they were the victims of involuntary servitude involving high indebtedness, passport confiscation, and virtual imprisonment, or fraud amounting to involuntary servitude and trafficking. There were reports throughout the year that foreign workers in the Kurdish region complained they were unable to return to their countries of origin because their employment agencies seized their passports when they arrived in the country. Some countries of origin undertook efforts to repatriate workers.

Other parts of this report contain related information; See Section 5.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the worst forms of child labor; however, the Government did not effectively enforce these laws. The law limits working hours for workers less than 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment was 15 years; however employment of anyone under 16 years in work detrimental to health, safety, or morals was prohibited. MOLSA's Child Labor Unit sought to enforce child labor standards, but its work suffered from insufficient personnel and budget resources.

Poor families routinely used children to augment their income-earning potential. This work often took the form of seasonal labor in rural areas or begging or peddling in urban settings. There were anecdotal reports of children working in hazardous families—owned automobile shops or on construction sites.

The Government introduced a targeted, means-tested social safety net (SSN) program in 2005 to reduce poverty and protect children against the deteriorating living conditions in their households. To date, one million families have received benefits and services administered by MOLSA. The SSN package included a child allowance, conditional upon school attendance, and programs to assist former and current street children were also funded by the Government. Additional projects to enhance the protection of children have been funded by international organizations and NGOs.

Other parts of this report contain related information; See Section 5.

e. Acceptable Conditions of Work.—Wages are set by contract in the private sector and set by the Government in the public sector. The national minimum wage for a skilled worker was less than 10,500 dinars (approximately \$7) per day and for an unskilled worker less than 5,250 dinars (\$3.50) per day. The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required. The average salary was approximately 1.875 million dinars (\$1,250) per year. These earnings were barely above poverty level (\$2 or 3,000 dinars per day) and did not provide a decent standard of living for a worker and family.

According to international governmental organizations, NGOS, and press reports, some foreign workers in the country were subjected to abusive treatment, including confiscation of travel and identity documents, confinement, physical abuse, unwanted sexual advances, delayed or no pay, forced daily and weekly overtime, and hazardous working conditions; no legal action in this area was reported.

The occupational safety and health component of MOLSA had staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment. Occupational safety and health standards and programs existed and were sometimes enforced in state-owned enterprises. However, MOLSA officials acknowledged that enforcing occupational safety and health standards was made more difficult without the partnership and cooperation of strong unions.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel is a multiparty parliamentary democracy with a population of approximately 7.3 million, including Israelis living in the occupied territories. Israel has no constitution, although a series of “Basic Laws” enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a “State of Emergency,” which has been in effect since May 19, 1948. The 120-member, unicameral Knesset has the power to dissolve the Government and mandate elections. March 2006 elections for the Knesset were considered free and fair. On September 17, Prime Minister Ehud Olmert announced that he would resign following a Kadima Party primary election but remain as caretaker prime minister pending the outcome of general elections scheduled for February 10, 2009. Civilian authorities generally maintained effective control of the security forces within Israel. (An annex to this report covers human rights in the occupied territories. This report deals only with human rights in Israel and the Israeli-occupied Golan Heights.)

The Government generally respected the human rights of its citizens, although there were problems in some areas. There were several high-profile cases involving corruption by political leaders. Institutional, legal, and societal discrimination against Arabs, non-Orthodox Jews, and other religious groups continued, as did societal discrimination against persons with disabilities. Women suffered societal discrimination and domestic violence. The Government maintained unequal educational systems for Arab and Jewish students. Trafficking in and abuse of women and foreign workers remained a problem, as did societal discrimination against persons with disabilities.

Palestinian rocket and terrorist attacks killed 24 civilians in Israel during the year. One terrorist attack allegedly perpetrated by radical members of the Jewish settlement movement injured one Israeli civilian.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit politically motivated killings.

On March 21, two police officers beat Sabri al-Jarjawi, a 25-year-old Bedouin man from the Negev, until he fell into a coma for three months before dying. A friend of al-Jarjawi, who was present during the incident, stated that the attack was unprovoked. According to a police statement, the two officers resorted to force after one of the two Bedouin men assaulted one of the officers. A Police Investigation Department (PID) investigation continued at year's end.

In October 2007 a Palestinian prisoner, Mohammed al-Askar, was killed during a riot at Ketziot Prison in southern Israel. Prisoners alleged that security forces improperly used crowd-dispersal weapons, including rubber bullets and bean bag projectiles. An internal Israel Prison Service (IPS) investigation concluded during the

year and was forwarded to the district attorney for review, according to the Government. The result of the IPS investigation was not revealed to the public, and there were no further developments at year's end.

On January 17, border policeman Avraham Tomer was convicted of manslaughter for killing Palestinian laborer Iyad Abu Aya during a 2006 raid near Tel Aviv. Court documents revealed that Tomer and two other border police officers detained and beat three undocumented Palestinian laborers with clubs before Tomer shot and killed Abu Aya. On November 9, Tomer was sentenced to one year in prison.

On November 11, in an initial hearing, a border policeman pled not guilty in the 2006 killing of Nadim Milham, an Israeli Arab. The policeman, searching for weapons in Milham's home, allegedly beat and shot him from behind when he attempted to escape, according to the nongovernmental organization (NGO) Mossawa Advocacy Center for Arab Citizens of Israel (Mossawa).

In 2006 the attorney general ordered a review of the PID decision to end its investigation of the 2000 police killings of 13 protesters. Following the review the attorney general announced on January 27 that he was upholding the PID decision to close the case without indictments. The decision was met with protests and strikes throughout the Arab-Israeli community.

Palestinians killed 24 civilians (23 Israelis and one noncitizen) in rocket and other terrorist attacks.

For example, on February 4, a Palestinian suicide bomber struck a shopping mall in the southern town of Dimona, killing one person and injuring nine others. Israeli police killed a second attacker before he was able to detonate his bomb belt. Two terrorist groups, the al-Aqsa Martyrs Brigades and the Popular Front for the Liberation of Palestine, claimed joint responsibility for the attack.

On March 6, a Palestinian resident of East Jerusalem shot and killed eight students and wounded 11 others at the Mercaz Harav Kook Yeshiva (Jewish religious school) in West Jerusalem. An off-duty soldier entered the yeshiva and killed the assailant.

On July 2, a Palestinian resident of East Jerusalem killed three persons and wounded at least 18 others with a bulldozer in West Jerusalem before being shot and killed by an off-duty soldier. The Government defined the incident as a terrorist attack, but the police were unable to determine a clear motive.

Palestinian terrorists routinely fired rockets and mortars from the Gaza Strip into Israel. According to the Government, citing numbers from the Intelligence and Terrorism Information Center, Palestinians fired 1,571 rockets and 1,531 mortars into Israel, up from 896 rockets and 749 mortars in 2007. Rocket, mortar, and sniper fire from the Gaza Strip killed 10 civilians during the year.

According to the NGO B'Tselem, Israeli military operations killed an estimated 782 Palestinians in the West Bank and Gaza, including at least 315 by year's end as a result of Israeli Air Force (IAF) airstrikes. The strikes were targeted against Hamas security installations, personnel, and other facilities in the Gaza Strip. The Israeli military operation continued at the end of the calendar year (See Annex).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—According to a 1999 High Court ruling, torture and the application of physical or psychological pain are illegal. However, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary "ticking bomb" cases. Human rights NGOs alleged that the ISA applied this exemption more often than the court intended. In November three NGOs—the Association for Civil Rights in Israel (ACRI), HaMoked: Center for the Defense of the Individual, and the Public Committee against Torture in Israel (PCATI)—filed a contempt of court motion to enforce the High Court's ruling. The motion was pending at year's end.

During the year NGOs filed numerous complaints alleging that security forces tortured or abused Palestinians from the occupied territories (see Annex).

On June 20, HaMoked reported that three police officers detained and severely beat one of its employees, East Jerusalem resident Tareq Abu Laban, while he was visiting friends in Tel Aviv. A PID investigation continued at year's end.

On July 19, police arrested two soldiers for attacking two Druze families on a beach near Haifa. One of the victims, an off-duty border policeman, suffered moderate injuries when he was beaten with rifle butts, batons, and a fire hydrant, according to witnesses cited in press reports. The victims told police the two soldiers were drunk and made racist remarks throughout the attack. The police investigation continued at year's end.

The NGO Hotline for Migrant Workers (Hotline) reported receiving four complaints regarding violence by the immigration police, down from six in 2007.

On April 13, two policemen allegedly detained and beat Fadi Darab'i, an undocumented Palestinian laborer, at a construction site in the Israeli town of Gan Yavneh. Darab'i accused one of the policemen of twisting his arm while the other kicked him in the groin. According to Darab'i and other Palestinian detainees, police at the station where Darab'i was taken refused his request for an ambulance. Darab'i eventually received treatment for his injuries at a Palestinian hospital in the West Bank, where he underwent surgery to remove a damaged testicle. On October 28, the PID indicted officers the two officers, Iyad Huzeyl and Dani Havery, for assault involving grievous injury. The case continued at year's end.

On September 25, prominent Hebrew University professor and critic of the settlements Ze'ev Sternhell was wounded when a pipe bomb, allegedly planted by radical members of the settlement movement, exploded as he opened the door of his home in West Jerusalem. After the attack police found flyers near Sternhell's home calling for the establishment of a new state in the West Bank based on Jewish religious law. The flyers, signed by a Jewish extremist group called the Army of the State Liberators, also offered 1.1 million NIS (\$314,000) to anyone who killed a member of the NGO Peace Now.

In 2006 three border police officers—Eliran Levy, Moshe Yekutieli, and Almit Asarsa—were indicted on charges of aggravated assault for abusing Abd Tareq Ahruh, a West Bank resident caught in Jerusalem without a permit. During the year the case was scheduled for a hearing in January 2009.

In October 2007 the Supreme Court began considering the state's appeal of a district court decision not to dismiss a lawsuit filed against the state by Lebanese citizen Mustafa Dirani, who charged that Israeli security forces tortured and raped him during interrogations between 1994 and 2004. The case was awaiting a Supreme Court hearing date at year's end.

Prison and Detention Center Conditions.—The law provides detainees the right to conditions that do not harm their health or dignity. Conditions in IPS facilities for common criminals and security prisoners generally met international standards. (Conditions in four facilities for detainees are covered in the annex.) The International Committee of the Red Cross (ICRC) regularly monitored IPS facilities, interrogation facilities, and the two Israel Defense Forces (IDF) Provisional Detention Centers. The Israel Bar Association (IBA) and public defenders were permitted to inspect IPS facilities. Overcrowding remained a significant problem. Regulations require at least 48 square feet of living space per person, but the Prison Authority reported in October 2007 that the average space was 31 square feet per prisoner.

In August the IBA issued a report on Sharon and Hadarim prisons alleging that security prisoners did not receive adequate health care, and that special IPS units assigned to the prisons routinely used dogs to attack prisoners. Unsanitary and poorly lit cells were also cited as problems. The IPS disputed the report and stated that the accusation that prison guards used dogs to abuse prisoners had been examined and found false.

In July the Public Defender's Office released its annual report covering conditions in Israeli prisons and detention centers in 2007. The report revealed that in one-third of prisons visited, inmates and detainees complained that guards regularly treated them with violence, threats, and humiliation. The report applauded the IPS for creating a special team to deal with shortcomings in the previous year's report but noted that almost nothing had been accomplished to improve conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions for citizens. Arab Israelis are subject to the same laws as all citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel (see Annex). Non-Israeli residents of the Israeli-occupied Golan Heights were subject to the same laws as Israeli citizens.

Role of the Police and Security Apparatus.—The ISA (or Shin Bet), under the authority of the prime minister, combats terrorism and espionage in Israel and the occupied territories (see Annex). The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Police corruption generally was not a problem.

The PID, within the Ministry of Justice, reviews complaints against police officers and may impose disciplinary measures or recommend indictments. Human rights groups alleged that the PID lacked independence and failed to investigate adequately complaints filed against police officers by Arab Israelis and Palestinians. In 2006 in response to a State Comptroller report, the PID announced a six-year plan

to cede control over police investigations to a new civilian body. According to the Government, the PID hired and trained 15 civilian investigators during the year.

The police carried out training programs in coordination with academic institutions and human rights NGOs to promote human rights awareness and cultural sensitivity. During the year the National Police provided mandatory Arabic language and culture classes for all new cadets.

Arrest and Detention.—The law provides that an arrested citizen is considered innocent until proven guilty and has the right to habeas corpus, to remain silent, to be represented by an attorney, to contact family members, and to receive a fair trial. The Government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. A bail system exists, and a decision denying bail can be appealed. As a general practice, non-Israelis of Palestinian origin detained for security violations were not granted bail. An individual suspected of a criminal offense may be held without charge for 24 hours before being brought before a judge. Suspects in nonsecurity cases were apprehended openly with warrants based on sufficient evidence and issued by an authorized official. Detainees in such cases generally were informed promptly of the charges against them. Persons detained on security grounds may fall under one or more of the legal regimes described below.

Under a 2006 “temporary law” on criminal procedures that has twice been renewed, individuals suspected of a security offense may be held for 96 hours before being brought before a judge. The law, which is set to expire again in December 2010, allows the court to authorize holding a detainee for up to 20 days without an indictment and to bar a detainee from consulting a lawyer for up to 50 days. Decisions may be further extended and made without the detainee being present or, in some cases, informed of the hearing.

The 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Such detainees, almost all Palestinians, were permitted legal representation. The court may rely on classified evidence denied to detainees and their lawyers. Detainees can appeal their cases to a military court and ultimately to the Supreme Court.

Persons detained under the 2002 Illegal Combatant Law have the right to see an attorney within seven days, can be held for 14 days without judicial review, may be denied access to counsel for up to 21 days, and may be held indefinitely subject to twice yearly district court reviews. The law also established a military court system inside Israel that may, under certain circumstances, rule on requests to extend a detainee’s incarceration. In June the Government extended for an additional four years a “temporary provision” that exempts law enforcement personnel from the law requiring them to film and audio record all interrogations of detainees suspected of security offenses.

Human rights groups alleged administrative security detention orders by military commanders based on “security reasons” were used even when the accused posed no clear danger. As of November 30, according to the NGO B’Tselem, there were 569 administrative detainees in IPS detention centers, while the IDF held none as of October 29. While most administrative detainees were held for periods ranging from six months to three years, in August the IBA reported that at least one administrative detainee in Sharon Prison, Mahmoud Azan, had been imprisoned for 10 years without charge.

The law provides that a foreign national suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no guarantee of, legal representation. According to Hotline, appropriate interpreters were not always present at the hearings, despite a 2002 written commitment by the Government to the Supreme Court to provide translators. Hotline reported that in Ketsiot, where most asylum seekers are detained, translators were rarely present during hearings. According to Hotline, persons held in immigration detention rarely were released pending judicial determination of their status. Moreover, if the detainee’s country of origin had no diplomatic or consular representation, he or she could remain in detention for months. According to Hotline, at the end of the year more than 1,000 detainees were waiting for determination of their asylum claims, more than 100 of them children.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respected this provision in practice. The judiciary has ruled against the executive, including in security cases.

The judicial branch comprises magistrate courts, six district courts, the Supreme Court, and High Court of Justice. Magistrate courts adjudicate misdemeanors and lesser civil disputes; district courts adjudicate felonies and serious civil cases. There are also military, religious, labor relations, and administrative courts, with the High

Court of Justice as the ultimate judicial authority. The High Court of Justice is a court of first instance for claims against the Government. Its members also sit as the Supreme Court, adjudicating appeals of lower court rulings. Religious courts have jurisdiction over matters of personal status for their adherents.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges decide all nonmilitary court cases. Administrative detainee hearings are not trials and do not follow established trial procedures.

Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party's or witness's right to privacy, or a sexual offense victim. Security or military trials are open to independent observers at the discretion of the court but not to the general public. All indigent defendants facing imprisonment receive mandatory representation. According to the Government, counsel represented all defendants in district and Supreme Court trials and in approximately 80 percent of cases in the magistrate courts.

Defendants have the right to question witnesses against them, to present witnesses on their behalf, to access evidence (except when the court determines such access would compromise state security), and to appeal.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials under military law of Palestinians and others applicable in the occupied territories are the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions; however, B'Tselem, PCATI, and other NGOs alleged that in practice security prisoners have been sentenced on the basis of coerced confessions, coerced testimony of others, or both. The use of secret evidence is widespread in military trials. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials. The defendant and the public receive the charges in Hebrew, and the court can order an Arabic translation. Interpreters and translators were not always available. Defendants can appeal through the Military High Court and petition the High Court of Justice. Military courts treat Palestinian minors ages 16 and 17 as adults.

There are also custodial courts and four deportation courts to address the removal of illegal immigrants.

Political Prisoners and Detainees.—There were no reports of Israeli citizen political prisoners or detainees (See Annex).

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders were usually enforced.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for protection of privacy of the individual and the home. In criminal cases the law permits wiretapping under court order; in security cases, the defense ministry must issue the order. Under emergency regulations authorities may open and destroy mail on the basis of security considerations.

On June 27, a new law went into effect allowing police officers and other public investigators to request court orders to obtain personal information from private communications companies, including landline and cellular telephones and Internet service providers (ISPs). To access private communications records under the new law, investigators must demonstrate that their goal is to save or preserve life, investigate or prevent crime, or seize property in accordance with the law. Civil rights NGOs accused the Government of seeking to interfere with citizens' right to privacy. The Government countered that the law codified existing practices and was necessary to fight crime.

Separate religious court systems adjudicate personal status, such as marriage and divorce, for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services. Civil marriages, marriages of non-Orthodox Jews, or marriage to someone from another faith must take place abroad in order to be recognized. According to the NGO New Family Organization, more than 5,000 couples marry in civil ceremonies abroad each year, most in Cyprus. The Government allows consular marriages as long as both parties are classified as having no religion or belonging to a religious community the state does not recognize.

The authority to grant status (citizenship and residency) to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Ministry of the Interior (MOI). On July 1, the Knesset extended for another year the temporary 2003 Citizenship and Entry Law, which prohibits a citizen's Palestinian spouse from the occupied territories from residing in the country. A Palestinian

male spouse age 35 and older and female spouse age 25 and older may apply for temporary visit permits. In 2007 Mossawa, citing MOI statistics, claimed the law affected “at least 21,298 families,” including couples with long-standing marriages. Civil rights groups criticized the denial of citizenship and residency status to spouses of Israeli Arabs, who constitute the majority of Israelis married to residents of the occupied territories. In March 2007 the Knesset also expanded the law to bar family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

Israel has 13 daily newspapers, at least 90 weekly newspapers, more than 250 periodicals, and a number of Internet news sites. All newspapers were privately owned and managed. Journalism laws dating from the British mandate period require that the MOI license newspapers and allow the minister, under certain conditions, to close a newspaper.

The state-owned Israel Broadcast Authority controls the Hebrew-language Israel Television and an Arabic-language channel, as well as Kol Israel (Voice of Israel) radio, which airs news and other programming in Hebrew, Arabic, and other languages. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations.

A cable company, HOT, and one satellite television company carried international networks and programs produced for domestic audiences. In July 2007 HOT dropped the Christian network Daystar TV from its subscriber package citing “editorial and content considerations” following complaints about proselytizing. A petition by Daystar TV to the Supreme Court was pending at year’s end.

The law authorizes the military to censor sensitive material reported from Israel or the occupied territories. Under an agreement between the Government and media representatives, all media organizations must submit to military censors materials that deal with specific military issues as well as strategic infrastructure issues, such as oil and water supplies. The censor’s decisions may be appealed to the High Court, and the censor cannot appeal a court judgment. Foreign journalists were required to submit sensitive articles and photographs to the military censor but in practice rarely complied. The MOI has no authority over the military censor.

All journalists operating in Israel must be accredited by the Government Press Office.

News printed or broadcast abroad may be consumed in Israel without censorship, apart from security exceptions. There were no reports that the Government fined newspapers for violating censorship regulations during the year.

The Government prohibited Israeli journalists from entering the Gaza Strip, and those who did were subject to legal penalties such as fines and restraining orders. In early November the Government also started preventing foreign journalists from entering the Gaza Strip. On November 24, the Foreign Press Association (FPA) in Israel filed a petition to the High Court requesting that it overturn the ban on foreign journalists entering the Gaza Strip. On December 31, the High Court ruled in favor of the FPA petition. The Government had not complied at year’s end.

Internet Freedom.—There were generally no restrictions on Internet access. The Government monitored cellular and landline telephones and ISPs. The December 2007 survey results published in Globes newspaper indicated Israelis averaged 37.4 hours per month of Internet usage. Approximately four million persons had Internet access.

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

Israeli universities are required to justify to the IDF acceptance of Palestinian students from the occupied territories. According to revised government criteria submitted in response to a November 2007 High Court order, as many as 70 students from the West Bank may pursue graduate studies in Israeli universities at any given time, provided there is no practical alternative and the chosen program is not in a field that could provide knowledge or skills capable of harming Israel. There were no students from Gaza (*See also* Annex).

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice.

On May 15, approximately 15,000 Arab Israelis and other activists marched to the former Arab village of Safouriya, now a Jewish community, as part of a demonstration to mark the 60th anniversary of the establishment of the State of Israel. The procession, which started peacefully, ended with clashes between demonstrators and security forces. The police stated that they acted with restraint and appropriate force after several demonstrators began throwing stones at them, while the demonstrators claimed that the police attacked first. The Israeli NGOs Adalah and the Arab Association of Human Rights (AAHR) released video footage that, according to press reports, showed police beating or kicking some demonstrators in the head and face as they sat handcuffed on the ground. According to press and NGO reports, police attacked several local and international journalists, including a CNN correspondent, and in some cases confiscated cameras and erased footage. On September 25, Adalah and AAHR submitted a formal complaint to the PID. The PID investigation continued at year's end.

Freedom of Association.—The law provides for the right of association, and the Government generally respected this right in practice.

On April 10, Adalah appealed to the attorney general to halt ISA interrogations of political activists from the Israeli-Arab Balad party, which holds three Knesset seats. Adalah stated that the ISA was intimidating Balad members and interfering with the legitimate political activity of the Arab minority. In his May 12 response, the attorney general denied Adalah's appeal and argued that the ISA's activities were necessary to ensure that relationships between former Balad leader and Knesset member Azmi Bishara (who fled the country in 2007 amid espionage allegations) and Balad members still in the country could not be exploited to harm Israel.

c. Freedom of Religion.—The law provides for freedom of worship, and the Government generally respected this right in practice.

The Basic Law and Declaration of Independence recognize the country as a "Jewish and democratic state," while also providing for full social and political equality, regardless of religious affiliation. The Government recognized only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jewish persons. The Government implemented policies including marriage, divorce, education, burial, and observance of the Sabbath based on Orthodox Jewish interpretation of religious law, and allocations of state resources favored Orthodox Jewish institutions. According to government figures, during the year the budget for religious services and religious institutions for the Jewish population was approximately 1.6 billion NIS (\$457 million). Religious minorities, which comprised slightly more than 20 percent of the population, received approximately 65 million NIS (\$18.6 million), or just less than 4 percent of total funding.

The law confers recognition on some religious communities, granting them authority over their members in personal status matters. Recognized communities are: Eastern Orthodox, Latin (Roman Catholic), Gregorial-Armenian, Armenial-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, Orthodox Jewish (both Ashkenazic and Sephardic rites), Druze, the Evangelical Episcopal Church, and the Baha'i. The status of several Christian denominations is defined by arrangements with government agencies. Legislation enacted in 1961 afforded Muslim courts exclusive jurisdiction in matters of personal status concerning Muslims, although the state regulates judicial appointments to these courts. Secular courts have primacy over questions of inheritance, but parties may bring cases to religious courts by mutual agreement. Muslims also may bring alimony and property division matters associated with divorce to civil courts.

Several religious communities, including Protestant groups, were not recognized. Unrecognized communities generally practiced their religion freely and maintained communal institutions but were ineligible to receive government funding for religious services.

Under the Law of Return, the Government grants immigration and residence rights to individuals who meet established criteria defining Jewish identity. Included in this definition is a child or grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew, and the spouse of a grandchild of a Jew. The Government uses a separate, more rigorous standard based on Orthodox Jewish criteria to determine the right to full citizenship, entitlement to government financial support for immigrants, the legitimacy of conversions to Judaism performed within the country, and Jewish status for purposes of personal and some civil status issues.

Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 310,000 citizens who immigrated either as Jews or as family members of Jews are not considered Jewish by the Orthodox Rabbinat. They cannot be married, divorced, or buried in Jewish cemeteries within the country. A

1996 law requiring the Government to establish civil cemeteries has not been fully implemented.

The 1967 Protection of Holy Sites Law protects all holy sites, but the Government implemented regulations only for 137 Jewish sites, leaving many Muslim and Christian sites neglected, inaccessible, or threatened by property development. The Holy Sepulchre and other well-known sites have de facto protection as a result of their international importance; however, community mosques, churches, and shrines often faced threats from developers and municipalities that Jewish sites did not face. Christian pilgrimage sites around the Sea of Galilee faced regular threats of encroachment from district planners who wanted to use parts of the properties for recreation.

In response to a court order, in 2006 the Government appointed an interministerial committee to examine the administrative and budgetary management of holy sites. In August 2007 the Supreme Court ordered the Government to explain its failure to protect Islamic holy sites and to provide funds for their maintenance. On March 5, the Government responded that the promulgation of specific regulations was not necessary to maintain and protect the holy sites of any religion. The Government also announced it would grant a special two million NIS (\$571,000) budget to the Israel Land Administration (ILA) for the upkeep of unused mosques on lands the ILA manages.

Offering or receiving material inducements for conversion, as well as converting persons under 18 years of age, remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints refrained from proselytizing under an agreement with the Government. While officially legal, missionaries faced harassment and discrimination by some Haredi (Ultra-Orthodox) Jewish activists and organizations and certain local government officials.

On April 28, immigration police arrested German student Barbara Ludwig and prepared to deport her for failing to maintain a valid student visa. According to Ludwig and her attorneys, Ludwig made repeated attempts to renew her student visa but was denied because the Interior Ministry determined that she was a Messianic Jew. In an April 29 article, the Jerusalem Post described letters addressed to Ludwig from the MOI criticizing her alleged missionary activity.

The legal defense NGO Jerusalem Institute of Justice (JIJ) also alleged that MOI officials denied services to certain citizens based on their religious beliefs. The JIJ's legal defense caseload for such cases contained approximately 143 open files during the first half of the year. This included numerous cases dealing with MOI attempts to revoke citizenship or failure to process immigration applications from persons entitled to citizenship under the Law of Return, if it was determined such persons held Messianic or Christian beliefs.

On April 16, the High Court responded to a petition filed by the JIJ on behalf of 12 immigration applicants born of Jewish fathers and non-Jewish mothers by ruling that the Government could not deny status to a person eligible to immigrate under the Law of Return on the basis of that person's identification as a Messianic Jew, as long as that person was not defined as Jewish according to the Chief Rabbinate's Orthodox criteria. The High Court did not prohibit the Government from discriminating on the basis of religious belief in cases involving immigrants who meet the Orthodox criteria for being a Jew, for example by having a Jewish mother or by undergoing a Chief Rabbinate-recognized Orthodox conversion.

Societal Abuses and Discrimination.—There were reports of societal abuses or discrimination based on religious belief or practice.

Members of Jehovah's Witnesses reported an increase in assaults and other crimes against their membership in 2007 and during the year and noted the difficulties their members faced convincing the police to investigate or apprehend the perpetrators. Between September 2007 and September, members of Jehovah's Witnesses filed 46 criminal complaints against antimissionary activists, most of whom belong to the Haredi antimissionary organization Yad L'Achim. The crimes ranged from harassment to assault. Police responded to 15 of 35 calls for assistance during the same time period, according to the Jehovah's Witnesses legal department. The JIJ noted a similar increase in crimes and violent assaults against members of the congregations it represents. In September the police reissued a 1999 directive to police reminding them of their duty to investigate fully crimes against minority religious communities.

On May 15, residents of the Tel Aviv suburb of Or Yehuda publicly burned hundreds of Christian Bibles missionaries had distributed in the community. The incident was reportedly organized by the deputy mayor of Or Yehuda, Uzi Aharon, after he received complaints about the Messianic Jewish presence from area residents.

Aharon told the newspaper Maariv the municipality operated a team of activists devoted entirely to uprooting missionary activity, including the burning of New Testaments, and that their activities were a fulfillment of the commandment to “burn the evil from your midst.” Aharon subsequently expressed regret for any damage done to Jewish-Christian relations, but he later stated on the country’s Army Radio that it was necessary to “purge the evil among us.”

On May 27, the Chief Rabbinate, joined by Christian and Muslim leaders from the country and the West Bank, issued a statement condemning the Or Yehuda New Testament burnings but also condemning all attempts to convert a person from one faith to another. On May 29, the Foreign Ministry condemned the burnings as “contrary to the values of the State of Israel.”

On March 3, unknown vandals broke into the Hassan Bek Mosque in Tel Aviv, damaging the gardens and property.

On August 13, unknown arsonists attacked the Beit Yaakov Synagogue in the Tel Aviv suburb of Bnei Brak, destroying the synagogue’s Torah scrolls.

In September 2007, during the Jewish Holy Day of Yom Kippur when driving is prohibited in Jewish areas, a 20-year-old Arab-Israeli man, Ashad Shibli, ran over a 9-year-old girl while she was riding her bicycle in the northern town of Kfar Tavor. Witnesses stated that he had tried to run over two other residents earlier in the same day. On October 12, authorities indicted Shibli for manslaughter. The trial continued at year’s end.

In 2006 approximately 100 Haredi Jews assaulted approximately 50 Christian tourists in a Jerusalem neighborhood, injuring three. Two of the attackers were subsequently convicted of assaulting a policeman and participating in a riot. Sentencing was scheduled for November 10.

The national public bus service operated sex-segregated transportation for Haredi Jews. Haredi passengers also tried to impose sex segregation on some mixed buses. According to press reports, women who refused to sit in the rear of such buses were regularly harassed and sometimes assaulted. Following a legal petition against the legality of sex-segregated public buses, the High Court recommended on January 21 that the Government establish a committee to examine legal and operational issues related to the operation of sex-segregated buses. The committee, headed by the transportation ministry, continued to deliberate at year’s end.

During the year Haredi Jews threw rocks at motorists to protest driving on the Sabbath, and soccer fans from certain teams chanted “death to Arabs” and anti-Muslim slogans during games between Israeli Jewish and Arab teams.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice for citizens (See Annex).

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The Government may bar citizens from leaving the country based on security considerations. Citizens, including dual nationals, must enter and leave the country using their Israeli passports only. In addition no citizen is permitted to travel to any state officially at war with the country without government permission.

During the year there were numerous reports of foreign nationals with Arab or Muslim names subjected to harsh and degrading treatment at border crossings. Diplomatic missions regularly protested such treatment regarding their nationals.

Arab Israelis required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority exercises security responsibility). They could travel abroad using their Israeli passports without restriction. Arab Israelis regularly complained of discrimination and degrading treatment by airport security officials. In May 2007 ACRI and Adalah petitioned the High Court to demand that the Israel Airports Authority, Shin Bet, and the Ministry of Transportation no longer use Arab ethnicity as a sufficient reason for conducting intensive security checks at Israeli airports. The case was pending at year’s end.

An August 4 Physicians for Human Rights Israel report accused the ISA of preventing Palestinians from leaving Gaza to seek medical treatment in Israel or abroad unless they agreed to become informers for Israeli intelligence. According to testimony collected in the report, the ISA used blackmail and coercion to elicit cooperation from gravely ill patients, some of whom required urgent treatment for life-threatening illnesses. The ISA denied the allegation.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

Protection of Refugees.—Israel is party to the 1951 UN Refugee Convention and its 1967 protocol. Israel has not enacted any legislation implementing the 1951 Convention or 1967 Protocol but in practice has established a system for the reception and consideration of asylum claims.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern in Israel.

UNHCR registered 7,483 new asylum seekers during the year, of whom 40 percent were Eritrean and 29 percent were Sudanese, and estimated that almost every new arrival transited Egypt en route to Israel. The Government estimated that there were approximately 15,000 asylum seekers in Israel at year's end; approximately 4,000 were Sudanese, and 5,000 to 7,000 were Eritrean.

Although the Government complied with its obligation not to return persons to a country where their lives or freedom would be threatened, Israeli and international NGOs and UNHCR protested "coordinated returns" of some asylum seekers to Egypt because of allegations that those individuals were later sent back to their countries of origin in violation of international agreements against refoulement. Between August 24 and 28, the IDF Liaison Unit turned 91 asylum seekers who crossed into Israel from Egypt over to Egyptian authorities. According to NGO and media reports, the number was higher, and they were at risk because Egypt often deported such persons to their countries of origin. Hotline submitted portions of what it claimed were letters of protest to the minister of defense from two reserve soldiers who participated in the deportation. One section stated that while performing reserve duty during August, the soldier participated in or witnessed four or five occasions in which asylum seekers were returned to Egyptian authorities after they entered Israel. The letter claimed the asylum seekers were blindfolded and handcuffed.

The Government considered the Eritreans and Sudanese to be receiving temporary protection, as their status was considered differently than other asylum seekers and "infiltrators." On that basis, the Government provided temporary protection to approximately 9,000 to 11,000 individuals during the year.

The Government does not have its own status determination system and relies on UNHCR, which referred eligible refugee applicants to an advisory committee, the National Status Granting Body (NSGB). The MOI renders final adjudications based on NSGB recommendations. The Tel Aviv University Refugee Rights Clinic argued that the NSGB's procedures were not transparent.

Refugees recommended by UNHCR and recognized by Israel received six-month visas renewable until final status determination. A refugee's status is evaluated after one year. No legal option exists for a refugee to become a naturalized citizen.

Those denied asylum and unwilling to leave may remain in immigration detention indefinitely. Some newly arrived illegal migrants were placed in hotels, kibbutzim (Israeli cooperative communities), and other employment situations. UNHCR reported that the MOI released an unknown number of asylum seekers from detention during the year without reference to the Immigration Tribunal and UNHCR. Hotline reported that most asylum seekers who entered during the year were taken to the Ketziot facility and released after several months, under geographically restricted conditions.

A July MOI decision stated that Eritrean asylum seekers would be restricted to locations removed from the center of the country to improve employment opportunities. NGOs argued that this placement hindered access to social services in the Tel Aviv area. On January 7, the MOI started giving six-month work visas to approximately 2,000 Eritreans who arrived in Israel prior to December 2007. Hotline stated that the approximately 3,000 Eritreans who arrived after this date spent months with no legal possibility of work and were forced to live in substandard conditions in crowded shelters in Tel Aviv. For asylum seekers from states officially at war with Israel, the Government attempted to find a third country to accept them.

According to the state comptroller's annual report submitted to the Knesset in May, between 2000 and 2007, 8,377 Africans requested refugee status and political asylum; 109 were granted refugee status and asylum.

In July the Government created the Authority for Immigration and Border Crossings to implement government policy and hold MOI authority over foreign nationals and population issues. The authority was designed to consolidate all relevant bodies dealing with immigration issues, including asylum seekers. Most asylum officers have not yet received sufficient training to make refugee status determinations, and at year's end the Government had not yet assumed status determination responsibility from UNHCR.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Israel is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Arab Israelis, regularly win Knesset seats. The Basic Law requires that a party obtain 2 percent of the vote to win Knesset seats. Prime Minister Ehud Olmert resigned following a Kadima Party primary election on September 17 but remained as caretaker prime minister at year's end.

The Basic Law prohibits the candidacy of any party or individual that denies either the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism. Otherwise, political parties operated without restriction or outside interference.

At year's end the 120-member Knesset had 18 female members, including the speaker. The Knesset included 10 Arabs and two Druze. The 29-member cabinet included two women, one Druze, and one Arab-Israeli Muslim. Five members of the 14-member High Court, including its President, were women. An Arab Christian was on the High Court, but no Muslim or Druze citizens have served.

Government Corruption and Transparency.—The law penalizes official corruption, and the Government generally sought to implement the law. Investigations of numerous allegations of misconduct by senior political figures and in government ministries occurred during the year. The national police, the state comptroller, the attorney general, and the finance ministry accountant general officially were responsible for combating official corruption. Senior officials were subject to comprehensive financial disclosure laws.

Prominent political figures were prosecuted. For example, on April 1, Member of Knesset (MK) Shlomo Benizri was convicted of bribery, fraud, and breach of trust for crimes committed between 1996 and 2001 when he was minister of health and minister of social affairs. Benizri was sentenced to 18 months' imprisonment and an 80,000 NIS (\$23,000) fine.

On June 4, prosecutors indicted former finance minister Avraham Hirschson, who resigned from the cabinet in July 2007, on charges of bribery and aggravated fraud, money laundering, breach of trust, and falsifying corporate documents. The case continued at year's end.

During the year the state comptroller and attorney general investigated Prime Minister Olmert for a range of alleged crimes, including fraud, bribery, breach of trust, money laundering, and tax offenses. Six separate criminal investigations were under way throughout the year, one of which was closed for lack of evidence on December 4. No charges had been filed by year's end. The public reaction to the allegations forced Prime Minister Olmert to announce his resignation on September 20.

Criminal investigations or trials of other officials, including Finance Minister Ronnie Bal-On, MK Tzachi Hanegbi, MK Ruhama Avraham, MK Yaakov Edri, MK Yitzhak Ziv, and numerous senior law enforcement and civil service officials continued throughout the year.

On February 27, former MK Omri Sharon began serving a seven-month prison sentence following a 2005 conviction on corruption and fraud charges for crimes committed during the 1999 Likud party primary campaign of his father, former prime minister Ariel Sharon. Omri Sharon was released after five months for good behavior.

The Government does not effectively implement its 1998 Freedom of Information Law. Many government bodies did not disclose their internal regulations as required, and others failed to publish annual reports. The 2008 State Comptroller's report found that approximately half of government authorities investigated did not make available to the public their administrative directives or procedures for requesting information or services. In April 2007 the High Court started deliberations on a 2005 ACRI petition demanding that the IDF and Ministry of Defense make their unclassified archives available to an Israeli journalist for research purposes. At year's end the case continued.

In December 2007, in response to a petition filed by five human rights NGOs, the Jerusalem Administrative Court ruled that the MOI violated the law by withholding from the public its regulations concerning the Population Registry, which governs determinations regarding citizenship, residency, and entitlements. The court ordered the ministry to publish its regulations on the ministry's Web site within 30 days, which it did by January 7.

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

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative to varying degrees, and some NGOs, including those critical of the Government, were routinely invited to participate in Knesset hearings on proposed legislation. A Foreign Ministry liaison unit maintained relations with certain international and domestic NGOs. The Government responded publicly to criticisms that it believed to be unfounded.

Under the 1980 Law of Associations governing nonprofit organizations, NGOs must register and pay annual fees.

Some registered NGOs were eligible to receive funding from government ministries. According to government figures, such funding amounted to approximately 2.5 billion NIS (\$715 million) per year. Government funding for NGOs disproportionately favored Jewish NGOs, especially those that promote "traditional and religious Jewish activities."

During the year the MOI, operating under a 2002 order, barred entry to all foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations (see Annex).

Between January 20 and 27, Asma Jahangir, UN special rapporteur on freedom of religion and belief, visited the country. Special rapporteurs on three other subjects had outstanding requests to visit at year's end. Nine special rapporteurs or UN missions concerned with human rights visited the country in the last three years, according to the UN High Commissioner for Human Rights.

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

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, or age.

Women.—Rape is illegal, and the law doubles the penalty if the perpetrator assaults or rapes a relative. Through September the Government reported 796 open rape files, 342 prosecutions, and six convictions.

On April 8, former President Moshe Katsav withdrew from a plea bargain he had agreed to in 2007. Women's rights activists and government transparency NGOs had opposed the plea bargain, which carried convictions for indecent acts and sexual harassment but dropped two rape charges against him and imposed a suspended prison sentence. At year's end no charges had been refiled.

The Equality of Women Law provides equal rights for women and protection from violence, harassment, exploitation, and trafficking; however, domestic violence against women was a problem. Through September the Government received 13,612 spousal abuse complaints filed by women.

The Social Affairs Ministry provided a battered women's shelter and operated a hot line. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters. Prostitution is not illegal and was widespread but not highly visible. The law prohibits operation of brothels and organized sex enterprises. Between January and November the police opened 244 cases for managing a place for the purpose of prostitution and arrested 46 suspects in these cases. In addition, 50 brothels were closed, and 78 suspects were arrested for trafficking or related offenses, of whom 11 remained in custody pending completion of their trials.

The Prevention of Stalking Law and the Prevention of Family Violence Law require that suspected victims be informed of their right to assistance. During the year the Government opened 290 files, and the State Attorney's office opened 58 cases of sexual harassment, resulting in six indictments and one conviction. At year's end 81 police files on sexual harassment were pending.

In December Mahmoud Abu-Ghanem was arrested for allegedly murdering his teenage sister Dalia of Ramle, who had been missing for more than two weeks. Police believed she was the ninth woman in the Abu-Ghanem family to fall victim to an honor killing. According to the November 7 Kull al-Arab newspaper, human rights activist Ayidah Tuma-Sulayman, head of Association of Women Against Violence, charged that at least three other women were the victims of honor killings and that families may claim the acts were something other than honor killings because of the severe sentences such crimes receive.

"Modesty patrols" harassed Haredi women in Haredi communities. According to one indictment, in June seven men entered a woman's apartment in Jerusalem, beat her as they interrogated her about her relations with men, and threatened further assaults and death if she did not move out of her apartment building. Also in June, a 14-year-old girl in Betar Illit, predominantly an ultra-Orthodox community, re-

portedly had acid thrown on her face and body in an incident the press attributed to a modesty patrol.

Religious courts restricted the rights of Jewish and Muslim women. A Jewish woman is not allowed to initiate divorce proceedings without her husband's consent. Consequently, thousands of so-called agunot (chained women) may not remarry or have legitimate children because their husbands disappeared or refused to grant divorces. Rabbinical tribunals may sanction a husband who refuses divorce but may not grant a divorce without his consent. Women do not have redress to civil courts; only religious courts can rule on personal status issues.

A Muslim woman may petition for and receive a divorce through the Shari'a courts without her husband's consent under certain conditions, and a marriage contract may provide for other cases where she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

On November 10, the High Court of Justice accepted an appeal submitted by the Wake Up Jerusalem movement, which ran candidates for the capital's city council, and ruled that companies in Israel cannot refuse to display election posters of female political candidates.

The law provides for class action suits and requires equal pay for equal work. As of August women comprised 38.5 percent of officers of corporations listed with the Board of Government Corporations. Numerous government policies and programs worked to eliminate economic discrimination against women. For example, the Government enacted several amendments during the year to the Women's Employment Law that improved women's maternity benefits. In April legislation provided further incentives to employers to modify workplaces and work conditions for women and parents. The Ministry of Education established a department dedicated to the promotion of gender equality within the school system.

The Mahut Feminist Center in Haifa reported that more than 65 percent of employees in part-time jobs were women, more than 35 percent of working women earned minimum wage or less (compared to 14.2 percent of working men), and women made up 70 percent of employees working in contractor companies that provided lower wages, lack of employment stability, and no social benefits.

Children.—The law provides for the overall protection of children's rights and welfare, and the Government generally was committed to ensuring enforcement of these laws. According to the National Council for the Child, social welfare offices treated a record number of 62,273 children in 2006 considered at risk from physical, sexual, or emotional abuse or neglect.

Education is compulsory through the ninth grade. The Government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. Haredi political parties continued to oppose government regulation of their government-funded school systems.

Academic institutions and advocacy groups have long charged that resources devoted to the education of Arab children were inferior to those devoted to Jewish children in the public education system. The State Comptroller's February 10 report on local governments noted that in the 28 Arab communities surveyed, there was a combined shortage of 1,082 classrooms in local schools. In June a joint committee of the Education Ministry and the Higher Arab Monitoring Committee reported the Arab sector would need an additional 9,236 classrooms by 2012 to keep pace with national standards.

Trafficking in Persons.—Trafficking in persons for the purposes of both prostitution and labor is prohibited under the law. Israel is a destination country for trafficking for the purposes of labor and prostitution. Neither the Government nor NGOs could quantify accurately the extent of the problem. The Government, NGOs, and the media expressed concern at an apparent rise in internal trafficking of citizens for the purposes of prostitution, although the Government's antitrafficking coordinator classified such cases as prostitution rather than trafficking.

The Government reported that most victims of trafficking for prostitution in the country came from the former Soviet Union, primarily from Ukraine, Moldova, Russia, and Uzbekistan. Antitrafficking and women's advocacy NGO Isha L'Isha reported a new trend of trafficking women from China and the Philippines for prostitution. Organized crime groups trafficked women for prostitution, luring them with promises of service-sector jobs. Some reportedly sold women to brothels.

The penal code stipulates that coercion to engage in prostitution is a criminal offense, punishable by four to 20 years' imprisonment, depending on the specific type of crime. Civil law verdicts have begun to favor the victims, and most verdicts involved compensation, although NGOs expressed a need for larger compensation awards.

Hotline charged that there are forms of trafficking the law does not cover, including what it described as “trafficking to obtain financial advantage” or a “flying visa,” whereby a worker pays a commission to an agency in the home country to get a work permit for work in Israel but arrives in Israel to find that there is no job. In such a case, the worker does not have a valid permit under Israeli law and is subject to arrest and deportation.

The Government reported that during the year the police conducted nine criminal investigations on trafficking in persons for the purpose of prostitution, which resulted in six indictments and five convictions for trafficking for the purpose of prostitution and related offenses. The Government reported 12 cases were pending at year’s end, in addition to seven pending appeals.

Victims of labor trafficking varied by sector. The most significant groups were Thai agricultural workers, Chinese construction workers, and domestic/nursing care workers from the Philippines, India, Nepal, and Sri Lanka.

The labor law was amended in 2006 to criminalize trafficking for slavery, forced labor, prostitution, pornography, sexual abuse, and organ selling, and provides a maximum sentence of seven to 20 years depending on the offense. In November the State Attorney’s Office and the Immigration Administration jointly filed the first indictment for forced labor under the new amendments to the trafficking law. The case remained pending at year’s end. Four additional cases were in various stages of preparation and review by the State Attorney’s Office at year’s end (*See* Section 6.c.). Two additional cases (involving four defendants) concerning fraud perpetrated against migrant workers were also pending at year’s end.

The Tel Aviv shelter, the only government-operated shelter for victims of trafficking for commercial sexual exploitation, had the capacity for 50 women. The Government reported that at year’s end, the shelter housed 25 women and five children, all of whom police referred to the shelter during the year. The shelter provided free medical care and other services. The Government reported that all trafficking victims in the shelter received temporary visas and work visas if requested, whether or not they chose to testify against their traffickers. A woman who chose to testify also received a visa for the duration of the court proceedings, generally lasting one year. Isha L’Isha reported that it was difficult to admit trafficked women into the shelter if they had children and noted the Ministry of Health had not yet found a solution outside the shelter for women who had no medical insurance.

On November 16, the Government enacted an amendment to the Legal Aid Law to provide free legal aid to every victim of trafficking and slavery. On the same day, the Protection of Witnesses Law was also enacted.

The Department of State’s annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law provides for protection and equality of the rights of persons with disabilities, although societal discrimination and accessibility issues persisted in areas such as employment and housing.

The Commission for Equal Rights of People with Disabilities (CERPD) within the Justice Ministry took legal action in the areas of accessibility and employment. In a 2007 study, the CERPD found that 85 percent of employers do not employ any persons with disabilities, and 25 percent of employees stated they had no interest in employing such a person in the future.

The law requires television stations to include subtitles and sign language and the courts to accommodate testimony from persons with intellectual disabilities or mental illness. Accessibility to public transportation was mandated by law but not always available.

National/Racial/Ethnic Minorities.—Arab Israelis continued to suffer various forms of discrimination in public and private life. Tensions between Arabs and Jews also remained high in areas where the two communities overlap, such as the Galilee and Negev, and in certain mixed cities with separate Jewish and Arab neighborhoods.

According to press reports, Jewish residents of Jerusalem perpetrated at least 20 violent assaults against Palestinian residents of Jerusalem during the year, most often using knives, clubs, and other weapons. Many of these attacks were reportedly premeditated.

On March 14, a policeman from the town of Kfar Saba attacked two Arab Israelis while shouting, “Death to Arabs.” Another police officer who witnessed the attack intervened to prevent injury.

On October 8, violence erupted between Israeli-Jews and Arabs in the city of Acre (Akko) at the beginning of the Jewish Holy Day of Yom Kippur after an Arab resident drove into a predominantly Jewish neighborhood. Driving on Yom Kippur was generally prohibited in Israel. Rioting ensued for several days, as Jewish and Arab

extremists incited their communities against one another. While the inflammatory rhetoric was mutual, the majority of those inciting to violence were Jewish, according to the Northern District police commander. According to press reports, both communities suffered significant property damage, and several Arab families were displaced from their homes in or near Jewish neighborhoods. Police continued to pursue and arrest the chief instigators after the violence subsided. On October 20, police arrested six young Jewish men in Tel Aviv for allegedly firebombing two Arab homes in an attempt to spread the anti-Arab incitement to Jaffa and other mixed neighborhoods around Tel Aviv.

On September 9, a number of Jewish local and district-level government leaders held a conference under the banner of the Renewing Zionism Movement in the Galilee town of Kfar Tavor, during which the leaders urged the need to “Judaize” the Galilee and warned of dire consequences if Jews lose their majority in the Galilee.

In contrast the neighboring Gilboa Regional Council actively promoted Jewish-Arab coexistence, including by holding a Gilboa Coexistence Festival in August and cohosting, with the NGO Abraham Fund Initiatives, an interfaith breaking of the Ramadan fast on September 11.

During the year the Israel Land Fund NGO launched a program to purchase Arab land in the Galilee and market it at discounted rates to Jewish buyers by distributing flyers to synagogues throughout the region stating the time was ripe to redeem the “Land of Israel.”

Public debate continued over the idea of “transferring” Arab-Israeli communities from Israel to the Palestinian territories (in return for transferring Jewish settlements in the West Bank to Israel) as part of a negotiated solution to the Israeli-Palestinian conflict. Arab Israelis overwhelmingly condemned the proposal, while Jewish opinion ran the gamut from support to condemnation. Members of Yisrael Beiteynu, a right-wing party headed by Knesset Member Avigdor Lieberman, advocated the idea in media interviews at public gatherings throughout the year. In a March poll commissioned by the Knesset television station, 75 percent of the Jewish public supported the transfer of at least some Arab Israelis as part of a peace deal with the Palestinians, including 28 percent who believed all Arab Israelis should be forcibly transferred.

Although Arabic is an official language, the National Insurance Institute requires that documents submitted for claims be translated into Hebrew.

Approximately 93 percent of land was in the public domain, and of this approximately 12.5 percent was owned by the Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. In 2005 the attorney general ruled the Government cannot discriminate against Arab Israelis in marketing and allocation of lands it manages, including those of the JNF. As an interim measure, the Government agreed through the Israel Lands Administration (ILA) to compensate the JNF for any land leased to an Arab by transferring an equal amount of land from the ILA to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews were ongoing at year’s end.

Arab-Israeli advocacy organizations have challenged the demolition of illegal buildings in the Arab sector on grounds that the Government restricted building permits, limiting Arab natural growth. New construction is illegal in towns that do not have master plans and in the country’s 46 unrecognized Bedouin villages. In 2004 the Supreme Court ruled that omitting Arab towns from specific government social and economic plans was discriminatory. At year’s end, according to the Government, master plans were completed for 29 of the country’s 128 Arab communities. According to the Harvard International Human Rights Clinic, between January and August, authorities demolished 97 Bedouin homes. On December 15, authorities demolished the entire Bedouin village of al-Atrash, consisting of at least 12 homes.

At year’s end the Government had not complied with a 2006 Supreme Court ruling that government development policy making impoverished areas eligible for special funding was discriminatory because it included only four Arab communities among the 539 communities slated for enhanced assistance.

Arab Israelis were underrepresented in most fields of employment, including government, despite a five-year-old affirmative action program to promote hiring Arab Israelis (including Druze and Bedouin) in the civil service. According to the Government, 6.2 percent of government employees in 2007 were Arab.

A 2000 law requires that minorities have “appropriate representation” in the civil service and on the boards of government corporations. As of December 2007, Arabs (including Druze and Circassians) filled 51 of 528 board seats of state-run companies. Of the 55,000 persons working in government companies, 1 percent were Arab.

The law exempts Arab Israelis from mandatory military service. Citizens who do not perform military service enjoy less access to social and economic benefits. Arab

Israelis generally were ineligible to work in companies with defense contracts or in security-related fields. In June the Government started a civilian service program for citizens not drafted for military service, giving Arab Israelis and Haredi Jews the opportunity to serve and be eligible for the same benefits accorded military veterans. According to press reports, the National Service Administration registered almost 600 Arab-Israeli volunteers during the 2007–08 academic year.

The Israeli Druze community comprised approximately 8.3 percent of the minority population, and the Circassian community numbered some 3,000. Males of both communities were subject to the military draft, and the majority accepted willingly. Some Bedouin and, to a lesser degree, other Arab citizens not subject to the draft also served voluntarily. Non-Jewish military veterans complained that they continued to receive fewer benefits from their service than Jewish veterans.

The Bedouin population was the most disadvantaged. Half of the 160,000 Bedouin lived in seven state-planned or eight recognized communities, which were impoverished but received basic state services. The seven state-planned townships were among the eight poorest communities in the country, according to a March 31 report by the NGO Human Rights Watch. The other half of Israel's Bedouin lived in at least 46 unrecognized villages, which did not have water and electricity and lacked educational, health, and welfare services. The unrecognized villages, made up mostly of tents and shacks, evolved as a result of the Government's refusal to recognize Bedouin land claims based on traditional usage prior to the establishment of the state.

Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new townships, and the average Bedouin family could not afford to purchase a home in existing townships. Many Bedouin also complained that moving to government-planned townships required giving up claims to land they had lived on for generations. On December 11, the government-appointed Goldberg Committee for Regulation of Bedouin Settlements in the Negev urged the Government to recognize officially and extend services to unrecognized villages where existing structures were not obstructing regional master plans, and to provide assistance for the relocation of others.

On April 1, the Government acted on a 1993 pledge by the late Prime Minister Rabin to authorize the construction of a permanent community for members of two Bedouin tribes in the Negev who had appealed to Rabin for assistance to overcome their unrecognized status.

In 2006 Adalah petitioned the Supreme Court to overturn a Water Tribunal decision not to connect unrecognized villages to water service. The Supreme Court's ruling was pending at year's end.

The approximately 20,000 non-Israeli residents of the Golan Heights are subject to Israeli authority and Israeli law. Israel accords them permanent resident status, but most of them are Druze and citizens of Syria who largely have refused or been denied Israeli citizenship. As legal residents, they received Israeli travel documents and held identity cards that entitled them to many of the same social benefits as Israeli citizens. However, Druze communities in the Golan Heights received little or no support for municipal services or infrastructure maintenance (see Annex for discussion of Palestinian residents of East Jerusalem).

The Government prohibits Druze citizens, like all citizens, from visiting Syria; the Government allowed noncitizen Druze from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program.

Other Societal Abuses and Discrimination.—Societal violence and discrimination based on sexual orientation or against persons with HIV/AIDS existed in isolated cases. The Government continued to uphold laws criminalizing discrimination on the basis of sexual orientation or HIV/AIDS.

In 2006 the High Court issued a ruling requiring the Government to recognize same-sex marriages legally performed in foreign jurisdictions. There was no information available about whether the Government recognized such marriages in practice.

Section 6. Worker Rights

a. The Right of Association.—Citizens generally may join and establish independent labor organizations. Most unions belong to Histadrut (the General Federation of Labor) or to a smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). Both are independent. There were no restrictions on collective bargaining agreements, and no prior government approval was required. According to a 2001 amendment to the Collective Agreements Law, workers are protected from discrimination resulting from their membership in or activity with a labor organization. The Government reported that litigation stemming from discrimination of this kind was negligible.

Legal foreign workers, who constituted approximately 45 percent of the foreign work force, and nonresident Palestinians may join Israeli trade unions and organize their own unions in Israel. Benefits and protections in Histadrut work contracts and grievance procedures extend to legal nonresident workers in the organized sector, but these workers cannot vote in Histadrut elections. In April the Government agreed to approve an additional 5,000 employment permits for Palestinians within Israel.

Unions have the right to strike, and workers exercised this right. If essential public services are affected by a strike, the Government may appeal to labor courts for back-to-work orders during continued negotiations. Worker dismissals and the terms of severance arrangements traditionally have been the central issues of disputes.

b. The Right to Organize and Bargain Collectively.—Citizens' legal rights to organize and bargain collectively are protected by law and these laws are enforced. The law specifically prohibits antiunion discrimination, and none was reported.

Foreign workers must pay an agency fee and can pay union dues, entitling them to employment protection and some entitlements won by collective bargaining agreements. Collective bargaining agreements extend to nonunion workplaces in the same sector.

There are no export processing zones in the country.

c. Prohibition of Forced or Compulsory Labor.—Israeli laws prohibit forced or compulsory labor, including by children, and criminalize gradations of labor exploitation.

The law provides foreign laborers legal status, decent working conditions, health insurance, and a written employment contract; however, some employers forced individual laborers who entered the country, both legally and illegally, to live under conditions that constituted involuntary servitude.

The Crime Unit in the Immigration Administration, working with the State Attorney's Office, opened 16 investigations concerning forced labor during the year. Following investigations by the Immigration Administration of cases involving migrant workers, the Government filed 15 indictments on fraud offenses and 10 indictments on exploitation and withholding of passports offenses. Civil rights groups and NGOs, however, claimed unscrupulous employers exploited adult non-Palestinian foreign workers, both legal and illegal, and held them in conditions that amounted to involuntary servitude.

On October 10, the newspaper Maariv quoted a representative from Hotline as stating that many "pressure groups" in Israel—the report named farmers, the handicapped, and contractors—enjoy cheap labor, and that the state was subsidizing them by not enforcing labor laws.

There were numerous documented cases of foreign laborers living in harsh conditions, subject to debt bondage, and restricted in their movements. Hotline charged that the Immigration Police failed to act quickly or adequately when they alerted them to some of these cases, and that the police sometimes returned the person to the employer.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws protect children from exploitation in the workplace and prohibit forced or compulsory labor; the Government generally enforced these laws.

Children at least 15 years of age who have completed education through grade nine may be employed as apprentices. Those who are 14 may be employed during official school holidays in light work that will not harm their health. Working hours for those between 16 and 18 are restricted.

The Government reported that through September it inspected more than 2,000 potential cases involving minors, opened 565 investigations, and imposed 293 fines on employers.

e. Acceptable Conditions of Work.—The minimum wage was approximately 47.5 percent of the average wage, 3,850 NIS (approximately \$1,100) per month for a 43-hour week. The Government considered the minimum wage, supplemented by special allowances for citizens, to provide a citizen worker a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim. Histadrut charged that occupational health and safety standards were not adequate or adequately enforced by the Israel Institute for Occupational Health and Hygiene.

The law allows a maximum 43-hour workweek at regular pay. Premium pay was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week. Histadrut reported that Israeli and foreign workers operated under the same rules.

Labor laws also apply to noncitizens, although enforcement was not adequate, according to workers' rights NGO Kav LaOved. Documented foreign workers were en-

titled to many of the same benefits as citizens but not national health care. Employers were legally required to provide such insurance, and most employers did so. All labor laws also apply to undocumented foreign workers. Enforcement of labor law in the home health care sector, which employs numerous foreign workers, was particularly difficult.

An employer must obtain a government permit to hire non-Israeli workers who live in the occupied territories. Most Palestinians from the occupied territories working legally in the country were employed on a daily basis and, unless employed on shift work, were not authorized to spend the night in the country. According to Histadrut, there were few such regular workers during the year.

Palestinian employees recruited through the Ministry of Industry, Trade, and Labor received their wages and benefits through the ministry, which deducted a union fee and contributions for National Insurance Institute (NII) benefits workers did not receive, such as unemployment insurance, disability payments, and low-income supplements. A legal mechanism was established in 2005 for non-Palestinian migrant workers employed in the construction sector to receive benefits, but in other sectors, such as agriculture and care giving, there was no comparable mechanism. Israeli employers paid Palestinian employees not employed through the ministry directly after deducting the union fee and NII contribution; such workers received the same benefits as workers paid through the ministry.

A major issue contributing to a number of work stoppages was that many municipalities routinely failed to meet payrolls in recent years. Despite a variety of court orders and government interventions, the problem persisted.

Since 2000 the Government prevented most Palestinians from traveling from the occupied territories to employment in Israel during times of closure. During periods of nonclosure, Palestinians required Israeli permits to enter the country for a single day or for periods of several months. Frequently authorities invalidated existing permits, requiring long-established travelers to secure new permits, so statistics on permit issuance did not reflect actual numbers of individuals allowed into the country.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints affected overall enforcement.

According to the Government, a foreign worker can remove him or herself from a dangerous work situation and seek alternate employment. However, according to Kav LaOved, a comprehensive system to do so, which included the home health care sector, was not implemented by year's end.

All workers could challenge unsafe work practices through government oversight and legal agencies. Through September the Government imposed 1,873 administrative penalties for violations of the Foreign Workers Law and 64 penalties for violation of the minimum wage law. The Immigration Administration estimated that nursing-care workers from India, Nepal, Sri Lanka, and the Philippines—particularly women—and construction workers from China were at greatest risk for abuse.

Brokers and employers are permitted to collect hiring fees from migrant workers. The Government limited such fees to 3,135 NIS (approximately \$895) per worker, but NGOs charged that many foreign workers continued to pay as much as 80,000 NIS (\$23,000). The Government reported that through September it held 79 hearings on cancelling or restricting permits to employ foreign workers, resulting in 23 restricted and nine cancelled permits in the nursing sector, two restricted and 44 cancelled permits in the agriculture sector, and one permit cancelled in the construction sector.

During the year the Enforcement Division of the Foreign Workers Department in the Ministry of Industry, Trade, and Labor (MITL) opened 2,685 investigative files opened against employers suspected of violations and imposed 2,367 administrative fines on employers. The Prosecution Division of the MITL Foreign Workers Department filed 4,400 criminal indictments against employers for violations of foreign workers law and the minimum wage law, which the Government described as a significant increase. On August 31, the licenses and permits of all the private bureaus in the nursing care field were canceled. New licenses and permits were granted on September 1 exclusively to private bureaus "geared towards bringing, mediating, and caring for foreign workers in the nursing care." Caregiver licenses were particularly sensitive because of the widespread employment of foreign workers.

On November 10, the Government reported that it issued 93,950 permits for non-Palestinian foreign workers during the year and that there were approximately 100,000 legal foreign workers and 80,000 to 150,000 illegal foreign workers. On October 10, a Maariv article claimed there were 200,000 foreign workers, 55 percent of whom were illegally present in the country. Workers may contest deportation orders, but lack of fluency in Hebrew placed them at a considerable disadvantage. According to Kav LaOved, the lack of interpreters in various governmental agencies

continues to be a grave problem.” Kav LaOved also charged that, “despite numerous promises from the authorities” on this issue, leaflets on worker rights were not provided to workers upon arrival or voluntarily provided by the authorities at any other point during a migrant worker’s stay in Israel, and such leaflets were only available online at the MITL Web site, which was not available to most migrant workers without Internet access.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. During the year the Palestinian population of Gaza was approximately 1.5 million, of the West Bank 2.35 million, and of East Jerusalem 210,000. Approximately 191,000 Israelis resided in East Jerusalem and 290,000 in the West Bank. During the 1990s various agreements transferred civil responsibility to the Palestinian Authority (PA) for Gaza and parts of the West Bank. However, after Palestinian extremist groups resumed violence in 2000, Israeli forces resumed control over a number of these areas, citing the PA’s failure to abide by its security responsibilities. PA civilian authorities’ control over its security forces in the West Bank improved during the year.

The PA has a democratically elected President and legislative council, which select a prime minister and cabinet. In 2005 Palestine Liberation Organization (PLO) Chairman Mahmud Abbas won 62 percent of the vote in a Presidential election regarded as generally free and fair. In 2006 Palestinian Legislative Council (PLC) elections, Hamas, a terrorist organization, backed candidates under the name “Reform and Change Movement” and won 74 of 132 seats in elections that generally met democratic standards. In February 2007 Hamas formed a national unity government (NUG) with the Fatah party, but in June 2007 Hamas staged a violent takeover of PA government installations in Gaza and killed hundreds in the Fatah movement and PA security forces. Since June 2007, when President Abbas dismissed the NUG, a cabinet of independents led by Prime Minister Salam Fayyad has governed the West Bank, while elements of the former Hamas government formed the de facto ruling authority in Gaza.

On June 19, Hamas and Israel began a six-month “calm,” which generally led to a reduction in the number of rocket and mortar attacks from Gaza into Israel, although rocket and mortar attacks continued. On November 4, citing an imminent threat from crossborder tunneling by Hamal-affiliated terrorists, Israel launched a raid into the Gaza Strip. In response to a sharp increase in the number and frequency of rocket attacks into Israel shortly prior to and following the formal expiration of the “calm” on December 19, the Israeli Air Force (IAF) launched airstrikes on December 27 targeted against Hamas security installations, personnel, and other facilities in the Gaza Strip. The Israeli military operation continued at the end of the calendar year and resulted in the deaths of at least 315 Palestinians, including some civilians, by December 31.

President Abbas and his subordinates controlled PA security forces in the West Bank. Armed militias and terrorist organizations were still active in some areas. In Gaza Hamas established de facto security forces. The Israeli government maintained effective control of its security forces.

There were reports of PA torture, arbitrary and prolonged detention, poor prison conditions, insufficient measures to prevent attacks by terrorist groups, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems. In Gaza there were reports that Hamas security forces continued to kill, torture, kidnap, arrest, and harass Fatah members and other Palestinians with impunity. Hamas and other Palestinian factions in Gaza shelled civilian targets in Israel.

Both Israeli and Palestinian nongovernmental organizations (NGOs) reported that Israeli authorities used excessive force, abused civilians and detainees, tortured Palestinian detainees, failed to take proper disciplinary actions, improperly applied security internment procedures, maintained austere and overcrowded detention facilities, imposed severe restrictions on internal and external freedom of movement, and limited cooperation with NGOs. A partially completed Israeli-built separation barrier isolated portions of the West Bank and restricted Palestinian movement and access to West Bank land west of the barrier.

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

a. Arbitrary or Unlawful Deprivation of Life.—Killings by Palestinian security forces occurred, but with less frequency than previous years. Killings by Palestinian terrorist groups and Israeli security forces remained a serious problem. Killings of Palestinians by Palestinians also dropped sharply, from 346 in 2007 to 18 through November. Palestinians killed 10 IDF soldiers and 19 Israeli civilians in the territories. Palestinians killed 24 civilians in terrorist attacks in Israel, including eight killed by a gunman at a religious school in West Jerusalem and one killed by a suicide bombing in Dimona. Israeli military operations killed an estimated 782 Palestinians in the West Bank and Gaza, including at least 315, including some civilians, as a result of airstrikes on Hamas security installations, personnel, and other facilities in the Gaza Strip in late December.

On February 22, Majid al-Barghouti, an imam believed to be affiliated with Hamas, died in the custody of the Palestinian Authority General Intelligence Service (GI) after being detained in the West Bank on February 14. Human Rights Watch (HRW) concluded based on photographs of the body and interviews with fellow prisoners that al-Barghouti's death was a result of torture. PA officials stated that al-Barghouti suffered heart failure, and President Abbas directed the attorney general to investigate. By year's end no information was released.

On June 26, Hamas police arrested 72-year-old Taleb Mohammed Abu Sitta and took him to Dir al-Balah police station, where he subsequently died in custody. On June 27, Abu Sitta's body was taken to Gaza City for forensic examination. His son, who was also incarcerated, told a human rights organization that Hamas repeatedly beat his father during his brief incarceration.

On July 12, Bassam Anani, a Fatah leader from Nusseirat refugee camp, died after two weeks in a hospital from injuries sustained while detained by Hamas.

On August 2, clashes between Hamas security forces and members of the Hilles clan in east Gaza City resulted in the death of 15 persons and injury to at least 103 others. The incidents occurred as a result of attempts by Hamas security forces to arrest members of the Hilles clan suspected in a July 25 bomb explosion on a Gaza City beach that killed five members of the armed wing of Hamas and one child.

Palestinian terrorist groups killed Israeli civilians in Israel with rockets, mortars, and one suicide bombing (see the Israel report). They frequently fired at Israel from civilian areas, increasing the risk that return fire would harm noncombatants. PA President Abbas made repeated public statements calling for an end to violence against Israel and internal violence between Fatah and Hamas, but these statements did not prevent numerous attacks.

The IDF conducted numerous incursions into Palestinian areas to carry out arrest operations and kill suspected terrorists. Palestinian gunmen fired on Israeli forces and booby trapped homes and apartment buildings. In response, the IDF raided and often destroyed buildings allegedly harboring militants. These actions often resulted in civilian casualties. Multiple incursions in Jenin and Nablus hampered the PA's efforts to deploy its own security forces.

Israeli NGO B'Tselem estimated that 39 percent of the 444 killed during Israeli military and police operations through November were civilians not taking part in the hostilities at the time of their death. According to the Palestine Red Crescent Society (PRCS), 1,807 Palestinians were injured during the year by live ammunition, rubber-coated bullets, tear gas, and blast shrapnel.

On April 16, an IDF tank fired an antipersonnel shell dispensing metal darts into the central Gaza strip, killing Reuters cameraman Fadel Shana'a and three others, including a 14-year-old and 17-year-old. HRW claimed there was evidence the tank crew knowingly targeted the journalist. According to Palestinian NGOs, Shana'a was covering the aftermath of a missile attack near Juhor al-Dik earlier that day, in which two missiles fired from an Israeli aircraft killed three adults and six minors and wounded six adults and 12 minors. In August the IDF announced its investigation cleared the tank crew, but several human rights organizations criticized the IDF's investigations as lacking seriousness.

On July 29, in one of several incidents connected to protests against construction of the separation barrier near Na'alin village, 11-year-old Ahmed Moussa was shot with live fire by an IDF soldier responding to demonstrations near the village. On August 4, Yousif Ahmed Amira died after being shot by IDF soldiers in the head with two rubber-coated bullets on July 30. On August 17, an internal affairs unit at the Ministry of Justice informed B'tselem it had opened an investigation into Amira's death. No additional information was available at year's end.

In 2006 the High Court ruled that targeted killings were not per se illegal, but each case must be meticulously examined through an independent investigation. According to B'Tselem, during the year Israeli forces targeted and killed 14 Palestinians, many affiliated with terrorist organizations.

According to a September study by the Israeli NGO Yesh Din, the Israeli Military Police Criminal Investigation Division launched 1,246 criminal investigations between September 2000 and December 2007 into cases in which soldiers were suspected of killing, injuring, and committing criminal offenses against Palestinian civilians. Of the 1,246 investigations opened, 6 percent (78) led to indictments against a total of 135 soldiers. As of September, 113 had been convicted of at least one offense, four had been acquitted of all charges, eight had their cases dismissed, and 10 cases were still pending.

During the year reports continued of Palestinians being killed in the perimeter zone, as reported in previous years. Israel declared this area off limits to Palestinians in response to attacks against Israelis originating in those areas.

IDF prosecutors informed B'tselem that the June 2007 case of the killings of 14-year-old Ahmed Sabri Suliman Ali Abu Zubeida and 13-year-old Zaher Jaber Muhammad al-Majdalawi was pending. According to press reports, IDF troops saw the boys crawling towards the fence, shouted a warning over a loudspeaker, fired warning shots, and then shot live fire. According to B'Tselem, they had been flying a kite.

In January 2007 10-year-old Abir Aramin died from a wound to the back of the head as she was leaving school during clashes between Israeli Border Police and Palestinians. The Jerusalem District Prosecutor closed the investigation for lack of evidence. In September 2007 the Israeli NGO Yesh Din appealed, alleging that according to 14 witnesses and independent Israeli pathologist Dr. Chen Kugel, she was shot with a rubber-coated bullet while running away. On February 12, the State Prosecutor's Office denied Yesh Din's petition to reconsider the decision to close the investigation.

There were no developments in the following 2007 killings of Israelis in the West Bank: Erez Levanon, Ahikham Amihai, David Rubin, or Ido Zoldan.

There were no developments in the 2007 killings outside Beit Hanoun by a shell fired from an IDF tank of 8-year-old Mahmoud Mousa Hassan Abu Ghazala, 11-year-old Yahya Ramadan Atiyyah Abu Ghazala, and 8-year-old Sarah Suliman Abdallah Abu Ghazala.

There were no investigations into the 2007 IDF killings of Jihad Khalil Hussein al-Shaer or Muhammad Ali Mesbah Jabarin, and no charges were brought in the 2007 IDF killing of Anan Muhammad Assad al-Tibi.

There were no developments in the investigation started in March 2007 into the 2006 IDF killing of Palestinian Nafia Abu Musaid.

On February 26, the IDF advocate general announced that no military police investigation would be launched into the 2006 IDF artillery shelling in the Gazan town of Beit Hanoun, which killed 19 Palestinians and injured others. The advocate general attributed the incident to a malfunction in the artillery control system.

There were no developments in the 2006 killings of Abu Yusif, military leader of the terrorist Popular Resistance Committees (PRC); Brigadier General Jad al-Tayeh of the GI and his four bodyguards; and three children of a senior PA intelligence officer and their driver.

On April 28, the Jerusalem District Court sentenced border policeman Yanai Lazla to six and a half years in prison. Lazla was one of four officers prosecuted for the 2002 Hebron killing of 17-year-old Imran Abu Hamdiyah, who was beaten and ejected from a moving police vehicle. On July 1, Lazla failed to appear to begin serving his sentence. In 2005 the first of the four officers was sentenced to four and a half years' imprisonment. At year's end the trial of the remaining two officers continued.

b. Disappearance.—There were fewer reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict than in previous years.

On April 13, individuals in two vehicles abducted Sami 'Atiya Khattab of Dir al-Balah in the Gaza Strip. On April 15, Hamal-controlled police informed the family that Khattab's body was found southwest of Gaza City. According to a human rights organization, the body showed cuts, bruises, and other signs of violence.

There were no developments in the 2007 abduction and killing of Maher Halim Daoud Juri.

In 2006 PRC and Hamas militants tunneled from Gaza to Israel, killed two soldiers, and abducted a third, Gilad Shalit. At year's end Shalit had not been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that torture was a significant problem. Torture by PA security forces and the Hamas Executive Force reportedly was widespread and not restricted to security detainees. The PA's actions to properly investigate, punish, and discourage torture and other abuses by its forces were minimal, lacked transparency, and were not generally effective. Hamas took no action to investigate reports of torture. Documentation of abuses was limited, due partly to fear of retribution by alleged victims. Palestinian NGOs alleged in previous years that the PA pressured individuals not to communicate allegations of abuse to NGOs. PA security officers have no formal guidelines regarding interrogations; convictions were based largely on confessions. Until issuance of a Presidential decree in November 2007, the Preventive Security Organization (PSO) lacked the legal authority to detain suspects or manage detention facilities.

On July 29, HRW released a report documenting abuses by Hamas security forces against Fatal-affiliated officials in Gaza and by Fatah against Hamas members and supporters in the West Bank.

There were reports of significant abuses by PA security forces. The PSO and the GI were more frequently implicated in complaints of abuse than other security organizations. The Military Intelligence (MI) organization frequently exceeded its legal authority to investigate other security services' officers and detained civilians.

There continued to be reports of widespread abuse and violence by Hamas security forces against Fatal-affiliated officials in the Gaza Strip.

In July 2007 Hamas Executive Force members detained Fatah member Muhammad Kamel al-Shekhrit during a demonstration and beat him at the former headquarters of the National Security Forces in Rafah. In August 2007 Izz al-Din al-Qassam Brigade members beat Yasser Ouda Joma Abu Shabab, a police officer from Rafah, and interrogated him about his ties to Fatah. In September 2007 MI detained and beat Hamas member Rasem Khattab Hasan Mustafa in Nablus. In September 2007 PA Preventive Security officers beat Fayez al-Tarada during the arrest of his brother, Hamal-supporter Fawwaz Hisham Hussein al-Tarada, and during interrogation in Hebron beat Fawwaz with a stick. No investigations were opened.

Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. The decision also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution. Human rights organizations reported that "moderate physical pressure" has been used in practice to include beatings, requiring an individual to hold a stress position for long periods, as well as painful pressure on shackles and restraints applied to the forearms.

Incidents of IDF abuse of Palestinian detainees continued to be a significant problem. Abuses did not appear to be limited solely to certain units, but incidents involving the Kfir Brigade were particularly prominent. The IDF said it made efforts to retrain the brigade through simulations and workshops facilitated by human rights organizations, but there were reports that such training did not eliminate incidents of abuse. The IDF attributed an increase in incidents to growing willingness among commanders to report abuses.

On January 29, the Israeli press reported that soldiers in the Kfir Brigade beat and kicked detainees and documented their actions on cell phone cameras.

On February 11, three soldiers from the Haruv Battalion of the Kfir Brigade were indicted as a result of assaults near the West Bank settlement of Shavei Shomron. On June 3, the soldiers were convicted of beating two handcuffed and blindfolded minors and applying a heating device to the face of a detainee. They were sentenced to five and a half months in jail.

On March 11, two policemen from Ma'ale Adumim police station were arrested for severely abusing a Palestinian from Bethany. The Israeli NGO the Public Committee on Torture in Israel (PCATI) complained that in November 2007 the officers beat and urinated on the man, in addition to inserting objects into his body cavities. At year's end no additional information was available.

On July 7, in Na'alim village, an IDF soldier shot Ashraf Abu Rahma in the foot at close range with a rubber-coated bullet, while Abu Rahma was handcuffed and blindfolded. The soldier who fired the shot alleged that the battalion commander, Lt. Col. Omri Borberg, ordered him to shoot. On August 7, Borberg was charged with conduct unbecoming an officer and reassigned by the IDF chief of staff from his duties as commander of the 71st Armored Battalion. On August 19, the Israeli NGO the Association for Civil Rights in Israel filed a petition with the High Court seeking to compel the judge advocate general to file a more serious charge. On October 6, the High Court asked the IDF to consider charging a more serious crime. On

November 4, the military advocate general announced that the original charge would not be changed.

According to an August 12 report in the newspaper Yedioth Ahronoth, four soldiers from the Haruv Battalion received administrative punishments for hitting a bound Palestinian and throwing him on the side of the road. The soldiers were punished for agreeing not to report the incident; three received a reprimand, and a fourth, the most senior, was confined for 21 days and suspended for 14 days.

Also in Na'alín, on September 1, IDF soldiers searching a house for a demonstrator shot Awad Srour at least three times in the head and chest with rubber-coated bullets. As a result, Srour lost an eye. IDF operations in Na'alín were frequent and linked to protests against the separation barrier, which often involved rock throwing by demonstrators and use of tear gas and rubber-coated bullets on by the IDF.

On July 27, a volunteer for Christian Peacemaker Teams was attacked by a masked settler while escorting children from nearby Al Tuwani village between their homes and summer camp. The volunteer sustained head injuries and was treated at a nearby hospital.

Israeli law prohibits forced confessions, but a detainee may not have legal representation until after interrogation, a process that may last weeks. Most convictions were based on confessions made during this period. Detainees sometimes stated in court that their confessions were coerced, but in previous years Israeli NGOs reported there were no instances of judges excluding such confessions. In May 2007 B'Tselem and HaMoked reported that isolation from the outside world is a common Israel Security Agency (ISA or Shin Bet) practice whereby detainees are prevented from meeting with attorneys, International Committee of the Red Cross (ICRC) representatives, and their families during the initial period of interrogation or for its duration. They also reported sleep deprivation, protracted handcuffing, insults and humiliation, threats, and naked body searches.

Israeli human rights organizations reported that Israeli interrogators used psychological abuse more frequently in recent years, including threats of house demolition or of questioning elderly parents, and kept prisoners in harsh conditions, including solitary confinement for long periods. In October 2007 PCATI submitted a letter to the attorney general citing three cases in which family members were detained allegedly to put psychological pressure on detainees. In his response the attorney general agreed that such actions were not appropriate and stated that the ISA agreed to refrain from such methods. On April 13, PCATI submitted a report to the Knesset Constitution, Law, and Justice Committee, documenting its allegations.

For example, on February 1, the ISA arrested and began interrogating Jalal Sawafta. After six days of interrogation, Sawafta's parents were brought to the interrogation room and asked to convince Sawafta to confess to involvement in rigging a car to explode. The ISA interrogator allegedly threatened to demolish the family home if Sawafta's parents did not convince Sawafta to confess. On February 28, PCATI filed a complaint with the Ministry of Justice and received a response indicating the complaint would be investigated. No results had been released at year's end.

In May 2007 Israeli NGOs B'Tselem and HaMoked published a report alleging serious abuses of detainees from the occupied territories in Israeli detention facilities. The report stated that from 2001 to 2006, the State Attorney's Office failed to launch criminal investigations into any of over 500 complaints of ill treatment by ISA interrogators. It also found that in two thirds of 73 cases examined, detainees claimed that ISA interrogators used one or more forms of abuse. In December 2007 PCATI reported that from January 2005 to July 2007 the Military Prosecutor's Office received 138 complaints of physical abuse against IDF soldiers, filed six indictments, and initiated three disciplinary actions.

There were no updates in the following 2007 cases: Amin Saud Mahmoud Hasuna and his brother, Yasser, and Jalal al-Batsh.

In January 2007 the Hebron police opened an investigation into Jewish Quarter resident Yifat Alkobi's verbal and physical assault on the Abu Aysha family, which was documented on video and broadcast on the media. At year's end there was no information available on the status of the investigation.

There were no developments in the 2007 beating of children from the Abu Hatah family in Hebron by settlers from Kiryat Arba or in the 2007 case of 15 Israelis from Ma'on settlement, who attacked two shepherds from Mufaqara.

There were no further developments or investigations had not concluded in the following 2006 claims of beatings and other abuse: of an ISA detainee from the village of Koud at Kishon Detention Center, or by IDF soldiers at al-Fawar checkpoint, in Ramin Plain, and in Bil'in village.

There was no investigation of the 2006 attack by a group of Israeli settlers seriously injuring a European woman escorting Palestinian schoolchildren in Hebron.

Prison and Detention Center Conditions.—PA prison conditions were poor. Many prisons were destroyed during the Intifada and were not reconstructed. Prisoners were kept informally incarcerated, and conditions of detention and imprisonment varied widely. During the year the PA generally permitted the ICRC access to detainees and regular inspections of prison conditions; however, the PA denied access to some detainees within 14 days following their arrests as required. The PA permitted independent monitoring of its prisons by the Independent Commission for Human Rights (ICHR, formerly known as PICCR) and other Palestinian NGOs, but human rights groups, humanitarian organizations, and lawyers in past years reported difficulties gaining access to specific detainees. Human rights organizations stated their ability to visit PA prisons and detention centers varied depending on which security organization ran the facility.

Gaza prison conditions were reportedly poor, and little information was available. The ICRC was able to conduct monitoring visits to prisoners held in Gaza by Hamas in most cases but not to captured IDF soldier Gilad Shalit.

IDF detention centers were less likely than Israel Prison Service (IPS) prisons to meet international standards with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. A November 2007 petition filed before the High Court asked for improved holding cells, regular toilet access, drinking faucets, three daily meals, and improved ventilation for detainees. At year's end the legal case between PCATI and the Ministry of Justice was pending.

Israel permitted independent monitoring of prison conditions by the ICRC. The Israeli Bar Association and other NGOs sent representatives to meet with prisoners and inspect prison, detention, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent, transfers of detainees without notice, and the significantly limited ability of families of Palestinians imprisoned in Israel to visit.

According to the NGO Palestinian Prisoners Club, Israel held 24 Palestinian prisoners in some form of solitary confinement during the year.

Palestinian prisoners in Israeli custody 16 years and older were treated and housed as adults. B'Tselem reported that as of November, the IPS held 318 Palestinians under the age of 18, including 25 minors age 15 or younger. The IDF held six Palestinian minors in its two Provisional Detention Centers as of October, according to B'Tselem. An international organization reported that most Palestinian minors were held in Hasharon prison, while the remainder were housed at Damoun and Ofek prisons; all were being held as security prisoners. Minors in the two IDF facilities, where detention is limited to 21 days, were not separated from adults.

According to the PA Ministry of Prisoners' Affairs, there were 161 critical medical cases of Palestinians in Israeli prisons in 2007. Since 2004 Israel authorized several private doctors to visit and increased medical attention; however, prisoners continued to claim inadequate medical attention.

d. Arbitrary Arrest or Detention.—Palestinian law prohibits arbitrary arrest and detention. It allows police to hold detainees without charges for 24 hours and with court approval for up to 45 days. A trial must start within six months or the detainee must be released. In practice the PA detained many without charge for months.

Israeli law prohibits arbitrary arrest and detention, but the security services did not always observe these prohibitions. Palestinian security internees were under the jurisdiction of military law, which permits 10 days' detention without seeing a lawyer or appearing before court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The ICRC is required to be notified of arrests within 12 days after they occur and allowed to visit detainees within 14 days after the arrest.

Role of the Police and Security Apparatus.—In PA-controlled areas of the West Bank, Palestinian police were normally responsible for law enforcement for Palestinians and other non-Israelis. In Gaza, Hamas enforced laws selectively.

PA security forces included the National Security Forces (NSF), the PSO, the GI, the Presidential Guard (PG), and the police. Quasi-military security organizations, such as the Military Intelligence, exercised the equivalent of law enforcement powers. The PSO, the civil police, and civil defense fall under the legal control of the interior minister, who reports to the prime minister. President Abbas has legal authority over the NSF, PG, and GI, although all PA security branches have been put under the interior minister's operational control. The interior and justice ministries investigate complaints regarding conduct of the PA security forces.

Hamas exercised de facto authority over the Gaza Strip, including policing and security functions.

Israeli authorities maintained effective control over West Bank security forces that consisted of the IDF, the ISA, the Israeli National Police, and the Border Police. Israeli authorities investigated and punished abuse and corruption, although there were reports of failures to take disciplinary action in cases of abuse.

Arrest and Detention.—PA security forces often ignored laws by detaining persons without warrants and without bringing them before judicial authorities. PA security forces also occasionally disregarded court decisions calling for release of alleged security criminals. Suspects often were held without evidence and denied access to lawyers, families, or doctors. The law provides for a prompt judicial determination of the legality of detention and was observed in practice. Detainees were informed of the charges against them, although sometimes not until interrogation. There was a functioning system of bail.

Both Hamas and the PA detained hundreds of individuals because of their affiliation with the rival faction without recourse to judicial review. On August 1, Fatah leadership including Khan Yunis Governor Usama al-Farra, and Gaza Governor Muhammad al-Qidwa were arrested and released after nearly two months in jail. In the West Bank, more than 100 Hamas affiliated municipal council members and activists were detained because of their political affiliation as of late August, according to a Palestinian organization.

Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or being likely to commit a security-related offense. Israeli Military Order 1507 permits detention for 10 days before detainees see a lawyer or appear before court. Administrative security detention orders can be issued for up to six-month periods and renewed indefinitely by judges. The law expressly authorizes an appeal of the circumstances of each security detention order to the High Court. No detainee successfully appealed a detention order.

Israeli Military Order 1369 provides for a seven-year prison term for anyone not responding to a summons in security cases. Suspects are entitled to an attorney, but this right can be deferred during interrogation, which can last up to 90 days. Israeli authorities stated that policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days. A military commander may request a judge to extend this period indefinitely. Evidence for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification, but it was made available to the court.

On July 23, IDF soldiers arrested Jamal Hussein Amira during a protest against the separation barrier near Na'alin village. Amira's daughter filmed the July 7 shooting of a handcuffed and blindfolded Palestinian by an IDF soldier. Human rights activists expressed concern that the arrest may have been in retribution for the family's role in exposing the previous IDF abuse. A military judge agreed, noting that out of all those protesting at the time, it was the girl's father who was arrested. The charges were dismissed for lack of evidence.

According to Palestinian and Israeli NGOs, there were approximately 8,300 Palestinian prisoners and detainees, including 1,800 common law criminals in IPS prisons and the three IDF detention centers in Israel and the West Bank. This number included approximately 325 minors and 570 administrative detainees.

Israel conducted some mass arrests in the West Bank; however, most arrests targeted specific persons. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of IDF search and arrest campaigns increased during the first 10 months of the year. From January 1 to October 31, the IDF arrested an average of 83 persons weekly in the West Bank. There were a total of 4,078 search and arrest campaigns conducted in the first 10 months of the year, compared to 2,613 in the same period in 2007. At year's end 37 of the 132 members of the PLC remained in jail in Israel, including 33 from the terrorist group Hamas, three from Fatah and one from the terrorist group Popular Front for the Liberation of Palestine (PFLP). Of those, 20 were awaiting trial, four remained in administrative detention, and 13 were serving sentences.

Palestinians transferred to prisons in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. Israeli authorities in some instances scheduled appointments but then moved the prisoners to other prisons reportedly to delay lawyer-client meetings.

The Israeli government often failed to notify foreign consular officials in a timely manner after detaining their citizens in the occupied territories.

e. Denial of Fair Public Trial.—The PA court system is based on PA legal codes as well as Israeli military orders and Jordanian and Ottoman Law that predate the 1967 occupation. The Basic Law provides for an independent judiciary, but in practice, the PA sometimes avoided prosecuting cases against politically connected individuals and circumvented the authority of the courts when expedient. A High Judicial Council maintained authority over most court operations. Military courts, established in 1995 and guided by the 1979 PLO Penal Code, have jurisdiction over security personnel and crimes by civilians against security forces. They do not provide the same rights as nonmilitary courts and generally apply longer sentences. There is a nine-judge court for election issues.

In September 2007 former Hamas Prime Minister Ismail Hanniyeh named a de facto High Judicial Council for Gaza. Hamal-affiliated members replaced PA prosecutors and judges. The PA declared the council illegal; however, it continued to function in Gaza.

PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. A severe shortage of funds and judges and an absence of lawyers and witnesses, due in part to travel restrictions, curfews, and closures, resulted in significant backlogs in both criminal and civil cases. PA executive and security services frequently failed to implement court decisions and otherwise inhibited judicial independence.

IDF restrictions on access and movement throughout the West Bank significantly impacted the PA's efforts to improve administration of justice. Palestinian lawyers and judges reported frequent delays of several hours and difficulty obtaining approval to transport prisoners across checkpoints.

Israeli law provides for an independent judiciary, and the Government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses in military courts. The law defines security offenses to include charges as varied as rock throwing or membership in terrorist organizations. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal.

Trial Procedures.—The Independent Judiciary Law, passed by the PLC in 2004, provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries are not used.

Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party's or witness's right to privacy, or protection of a victim of a sexual offense or honor crime. The law provides for legal representation, the right to question and present witnesses, to review government-held evidence, and to appeal. Authorities generally observed these rights in practice for all citizens. Human rights organizations reported delayed hearings due to an extensive backlog and a lack of legal representation.

PA law allows the death penalty for certain offenses, including types of treason and murder. In recent years, most PA death penalty convictions were issued by military courts under the PLO Revolutionary Penal Code of 1979. Trials conducted in PA military courts lacked due process protections, and human rights organizations criticized the PLO code for allowing the death penalty to be applied to a broad range of offenses.

On July 15, a PA military court in Jenin sentenced Wael Said Saed Saed and Mohammad Saed Mahmoud Saed to death by firing squad. Palestinian NGOs reported that the trial was hasty and that journalists were prevented from entering the courtroom until the sentences were given and were prevented from taking photographs.

On April 28, a PA military court in Hebron sentenced Imad Saad to death for collaboration with Israel. Saad was arrested in August 2007 on allegations that he provided Israeli intelligence services with the locations of four Palestinian gunmen who were subsequently killed by the IDF. Saad is the first person sentenced by the PA to death for the charge of collaboration since 2004. At year's end his sentence had not been carried out because it had not been ratified by PA President Abbas.

(For information on the rights granted in Israeli military courts, *See the Israel Report.*)

The Israeli Government sometimes delayed trials for extended periods, occasionally for years, because security force witnesses did not appear, the defendant was not brought to court, files were lost, or travel restrictions delayed attorneys. Palestinian legal advocates claimed that delays were designed to pressure defendants to settle their cases, including crowded facilities, poor arrangements for scheduling and holding attorney-client consultations, and confessions prepared in Hebrew that hindered defense efforts.

Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli law in the nearest Israeli district court.

A May report by Yesh Din on police investigations into settler violence against Palestinians determined that 8 percent of the 205 cases being tracked resulted in indictments. The remaining 92 percent were dismissed.

Political Prisoners and Detainees.—Palestinian sources estimated the PA imprisoned 22 persons suspected of collaboration with Israel during the year. During the year seven persons were arrested on charges of collaboration and other charges. Many of those held in Gaza as Israeli “collaborators” reportedly were released in 2007 after Hamas took over (See Section 1.d.). Hamas executed, kneecapped, or arrested an unknown number of Palestinians in Gaza, including supporters of Fatah, in late December. Hamas claimed those arrested and killed were collaborating with Israel.

Palestinians claimed that security detainees held under IDF military orders were political prisoners.

Civil Judicial Procedures and Remedies.—Civil suits are handled by the PA civil and magistrate courts. A citizen can file a suit against the Government. The execution of court orders was not systematic.

Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF.

An investigation continued in the 2004 case in which IDF soldiers shot and killed 13-year-old Iman al-Hams as she approached an IDF outpost in Gaza carrying a bag of schoolbooks that troops suspected contained explosives. In November 2007 the parents’ petition for compensation, which had been accepted by the High Court, was transferred to the military attorney general. At year’s end the case was pending.

Property Restitution.—Israeli authorities confiscated Palestinian property for construction of the separation barrier or military installations. In some cases, the IDF offered some compensation; however, Palestinians largely declined due to concern that this would legitimize the confiscations. Due to documentation issues dating from the Ottomans and a land tenure system with communal, family, and individual rights commingled, Palestinians have had difficulty attempting to prove ownership in Israeli courts (See Section 1.f.).

On June 16, the IDF confiscated 89 acres of land to expand a military base near the settlement of Roi. Palestinian officials claimed the land was privately owned Palestinian land and expressed concern that the confiscation would cut off access to the village of al-Hadidiya.

On October 31, the IDF razed Bedouin dwellings in communities south of Hebron and east of Ramallah, leaving 142 homeless, according to media reports. The Israeli planning rights NGO, Bimkom, in a June report, said Israeli data showed that between 2000 and September 2007: 4,820 buildings received demolition orders in area C, which is designated under the Oslo accords as West Bank land under full Israeli civil and military authority; 1,626 buildings were demolished; and 1,624 applications for building permits in area C were submitted by Palestinians, of which 91 permits (5.6 percent) were approved.

In a 2006 study based on official data, the Israeli NGO Peace Now concluded that 38.7 percent of the 15,271 acres occupied by Israeli settlements, outposts, and industrial zones in the West Bank was privately owned Palestinian property, and that West Bank settlements violated Israeli law and juridical decisions. The Israeli Yesha settlement council condemned the report on technical and substantive grounds.

A July 2007 OCHA report on the humanitarian impact of Israeli settlements concluded that 40 percent of West Bank land includes Israeli infrastructure including 1,032 miles of roads, military bases, nature reserves, settlements, and outposts. According to the Israeli Central Bureau of Statistics (ICBS), the population of Israeli settlements grew 5.6 percent in 2006–07, while Israel’s population grew 1.6 percent. There were no updated statistics available during the year. ICBS also reported that the number of starts on new construction in settlements was 42 percent higher between January and June than in the same period in 2007.

In March 2007 the Israeli Ministry of Finance transferred to the Government of Israel ownership of 7.5 acres of olive orchard known as “Mufti’s Grove” in East Jerusalem’s Shaykh Jarrah neighborhood. In April 2007 the Israeli government leased the land to the Ateret Cohanim settler group. In December 2007, responding to a petition submitted by Arab Hotels Company Limited contesting ownership of Mufti’s Grove, the High Court of Justice set a September 26 hearing date, which was subsequently delayed. At year’s end no hearing had taken place.

In 2006 the Israeli Committee for the Preservation of Historic Sites made a recommendation to demolish the historic Shepherd Hotel in East Jerusalem, which was

owned by the Husseini family from 1945 to 1967, confiscated as absentee property by the Government of Israel in 1967, and privately purchased in the 1980s. At year's end plans to build six eight-story apartment buildings remained in dispute.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The PA required the attorney general to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements.

Under occupation orders, only IDF lieutenant colonels and above could authorize entry into private homes and institutions without a warrant, based upon military necessity. Israeli authorities stated that violating this order entailed punishment, but there were no reported cases of IDF soldiers punished for acting without fulfilling this requirement.

Israeli forces are prohibited from using "human shields" by law, High Court rulings, and an IDF order, but the prohibition was not always observed. There was no additional information available in the disciplinary proceedings against Brigadier General Yair Golan who ordered the 2007 operation in which 24-year-old Samah Amira was held at gun point to serve as a human shield as the IDF searched houses in Nablus. In October 2007 IDF Chief of Staff Gabi Ashkenazi initiated a disciplinary proceeding against Brigadier General Yair Golan for authorizing the operation. In 2006 B'Tselem claimed that during an incursion in northern Gaza, IDF soldiers seized control of two buildings and used six residents as human shields. The IDF previously informed B'Tselem that the investigation continued; however, at year's end there were no developments.

Israeli authorities limited Palestinian home construction, notably in East Jerusalem. The municipality of Jerusalem demolished 88 houses in East Jerusalem during the year because they were defined by the Israeli government as illegal. Additional demolitions of houses by the IDF in Jerusalem were not tracked by the municipality. The NGO Israeli Committee Against Home Demolitions recorded a total of 93 demolitions in Jerusalem during the year. Israeli authorities generally restricted Palestinian home building elsewhere in the West Bank and near Israeli settlements. According to OCHA, 110 homes were demolished in the West Bank and Gaza, leaving 489 Palestinians homeless.

During the year the IDF destroyed numerous citrus, olive, and date groves and irrigation systems in Gaza, stating that Qassam rockets were being fired from those areas. For example, on January 6, the IDF carried out land-leveling operations in conjunction with a military operation in al-Bureij camp in Gaza, uprooting 20 acres of olive trees. On January 23, IDF bulldozers operating on agricultural land north-east of Beit Hanoun uprooted approximately 85 acres of olive and citrus trees.

As in previous years, there were numerous incidents of vandalism of Palestinian olive groves by Israeli settlers. On October 2, following the IDF evacuation of the illegal outpost at Shavut 'Ami, settlers burned 2.5 acres of land belonging to farmers from Immatin village near Qalqiliya, destroying an estimated 100 olive trees. On October 11, settlers from Yitzhar injured three Palestinians and cut down 18 olive trees before IDF soldiers intervened.

During the year violent attacks by settlers against Palestinians increased significantly. On June 20 and July 21, settlers from Yitzhar and Har Bracha settlements launched multiple improvised rockets at nearby Palestinian villages. Israeli police arrested Gilad Herman, a student at Od Yosef Hai Yeshiva in Yitzhar following an investigation of the June 20 incident. On July 28, a Molotov cocktail attack on a house on the outskirts of Burin, next to Har Bracha, caused significant damage when it landed in a child's crib. The family was not at home.

Palestinian villages in the south Hebron hills and south of Nablus were particularly affected. The press widely covered a June 8 attack on Tamam al-Nawajah and two other members of her family who were farming near Susiya settlement. Press coverage was in large part due to the availability of footage taken by a member of al-Nawajah's family. On June 17, Israeli police arrested three residents of Susiya in connection with the assaults. They were later released for lack of evidence. At year's end the investigation continued.

On July 5, settlers from Ashael tied Madahat Abu Kirash to a telephone pole and beat him. The incident was also filmed and widely reported in the press. A spokesman for a South Hebron Hills settler organization denied involvement and alleged that Palestinians or leftist activists had staged the attack. Israeli police arrested three people who were released to house arrest with electronic monitoring bracelets pending trial. They were prohibited from entering the West Bank.

Israeli authorities arrested 19-year-old Daniel Avraham, a settler from Yitzhar settlement, and charged him on August 25 with possession of weapons and endangering lives on a road in an August 1 attack in which a large stone thrown onto

a vehicle wounded a pregnant woman and two of her daughters. At year's end no additional information was available.

In September Yesh Din reported that Israeli police regularly failed to bring charges in cases of alleged settler violence against Palestinians. A continuing review of 205 cases determined that 163 files had been closed, with 13 resulting in indictments and 149 closed without charges. The most common reasons cited were lack of evidence and unknown identity of the attacker.

The IDF cleared and took control of privately owned Palestinian land to construct the separation barrier. According to OCHA, at the end of 2007, 254.2 miles of the 449.4 mile-barrier had been constructed and 8,887 acres of West Bank land confiscated in the process. There were no updated statistics available during the year. Israeli government policy was to build the barrier on public lands where possible, and where private land was used, provide opportunities for compensation. Numerous cases were filed in Israeli courts challenging barrier route (*See* Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law permits every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws providing for freedom of press. A press law enjoins criticizing the PA or the President, but it was not applied. The climate of violence induced self-censorship, and both the PA security forces in the West Bank and members of the Hamas security apparatus in Gaza restricted freedoms of speech and press. Individuals criticizing the authorities publicly risked reprisal, and during the year PA security forces and Hamas Executive Forces closed media offices, confiscated equipment, prevented the delivery of newspapers, and assaulted journalists during demonstrations.

There were three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids. The PA operated one television and one radio station. There were approximately 30 independent television and 25 independent radio stations. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. Working conditions for journalists in the West Bank and Gaza deteriorated noticeably during the year; however, some international news outlets maintained offices in Gaza.

Since June 2007 the PA has maintained its distribution ban on the pro-Hamas Al-Risala twice-weekly and Felesteen daily, both Gaza-based publications.

On July 27, Hamas banned distribution of the three dailies in Gaza. On August 24, the ban was lifted against Al-Quds newspaper but remained in place against Al-Ayyam and Al-Hayat Al-Jadida. According to officials from those newspapers, Hamas demanded that its own newspapers, Al-Risalah and Felesteen, be allowed to circulate in the West Bank in order to lift the ban against the two West Bank-based papers.

On February 10, a Hamal-run court in Gaza ruled in support of banning the distribution of the independent daily Al-Ayyam, while sentencing the paper's editor and its main political cartoonist (both resident in the West Bank) to suspended jail terms. The decision was the result of a court case alleging defamation filed by several Hamas legislators, over a political cartoon published in the paper in November 2007.

In June 2007, following its take-over of the Gaza Strip, Hamas closed down all Fatal-affiliated broadcast outlets in Gaza. The Fatal-allied Palestinian TV and Voice of Palestine radio buildings in Gaza City were taken over by Hamas gunmen and closed down. Both stations have since been operating from Ramallah. Two other Fatal-affiliated radio stations in Gaza, Al-Hurriyah and Al-Shabab, also went off the air at the same time.

The NGO Reporters Without Borders (RSF) reported that after the takeover of Gaza in 2007, Hamas leaders announced that they would apply a 1995 press law that was drafted but never passed by the PLC, under which journalists can be imprisoned for up to six months and newspapers closed for reports liable to "jeopardize national unity or incite crime, hatred, division or sectarian dissention or for criticizing the police and security forces."

Pro-Hamas journalists in the West Bank were exposed to threats. Only pro-Hamas broadcast media and PFLP-affiliated radio outlet Voice of the People have operated in Gaza since June 2007. In 2007 Hamas closed Voice of the People for two and a half months and again during the year between August 2 and August 6. According to RSF, at least nine news media outlets stopped operating in Gaza, three of which were state owned and six privately owned.

On January 1, PA forces arrested four journalists in the West Bank city of Tulkarm, including the head of Hamal-affiliated Al-Aqsa television in the West Bank, Muhammad Shteivi; a reporter for the same television station, Tariq Shahab;

a reporter for the Hamas daily Felesteen, Salim Tayeh; and a fourth journalist, Fareed As Sayed. Both Shahab and Tayeh were released shortly after their arrest. Shteivi was held for three days before being released and was subject to periodic questioning by PA security forces but was not subsequently held in custody.

On March 12, the independent Ramattan News Agency reported that PA security forces forcibly entered the agency's offices in Ramallah and arrested the editor in charge, Nawwaf Al-Amer. Al-Amer was held for questioning and then released by PA security forces.

On July 26, Hamas forces arrested Fouad Jarrada of the Palestinian Broadcasting Corporation, the official Palestinian television station, and Amro Farra of the official Palestinian WAFA News Agency. The press reported that Hamas forces raided the office of WAFA in Gaza as part of a crackdown on Fatah activists and institutions, following a large explosion in Gaza believed by Hamas to be a Fatah attack against Hamas.

Also on July 26, the PA intelligence services in the West Bank arrested Alaa el Titi, a correspondent of the Hamas television station Al Aqsa, and Mostapha Sabri, the editor of the Hamas daily Felesteen.

Again on July 26, Hamas arrested Sawah Abu Saif, a cameraman working for Germany's ARD television network. He was released on July 30. According to press reports, Abu Saif was arrested by Hamas forces in an effort to gather information on staff and correspondents of ARD, accused by Hamas of producing negative reports about its government and the overall situation in Gaza. On July 31, ARD closed its office in Gaza.

Israeli authorities limited freedom of expression, ordering that in East Jerusalem displays of Palestinian political symbols were punishable by fines or prison, as were public expressions of anti-Israeli sentiment and of support for terrorist groups. Israeli authorities censored coverage of the Intifada and reviewed Arabic publications for security-related material.

As a general rule, Israeli media covered the occupied territories, except for combat zones where the IDF temporarily restricted access. Since November 6, journalists were prohibited from entering the territory by the IDF. The military's ban on travel by journalists continued at year's end.

Closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (*See* Section 2.d.).

In July 2007 al-Aqsa television cameraman Imad Ghanem was shot by IDF soldiers while covering an IDF operation in al-Barij Camp in Gaza and subsequently lost both legs. RSF called for an investigation, but there was no known investigation by year's end.

On July 10, the IDF closed the independently owned Afaq TV in the West Bank city of Nablus. According to press reports, the IDF closed the station for one year, accusing it of affiliation with a terrorist entity.

On August 20, the IDF raided three Hebron media outlets reportedly looking for the source of interference with Ben Gurion airport operations, according to staff at the outlets. IDF soldiers damaged and confiscated some equipment and detained two employees.

Internet Freedom.—There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to a 2006 Palestinian Central Bureau of Statistics survey, 18 percent of Palestinians knew how to use the Internet, and 16 percent of households had access to the Internet.

Academic Freedom and Cultural Events.—There were no PA restrictions on academic freedom and cultural events. During the year Palestinian authorities did not interfere with education; however, violence and restrictions on movement adversely affected academic institutions (*See* Section 2.b.). In Gaza Hamas continued to remove Fatah-affiliated employees from all sectors, including firing several principals and teachers. Israeli authorities continued to prohibit Palestinians from undergraduate university study in Israel.

Israeli authorities prevented many Palestinian cultural events that they reportedly perceived to be associated with Palestinian political ambitions. Seven times during the year, including most recently on November 21, the Ministry of Interior closed the Palestinian National Theater, al-Hakawati, for lack of proper licenses. The theater and event organizers claimed the performances did not require a license and that the closures were intended to reduce Palestinian cultural activity in Jerusalem.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—PA law permits public meetings, processions, and assemblies within legal limits. It requires

permits for rallies, demonstrations, and large cultural events, but authorities rarely denied them. The PA prohibited calls for violence, displays of arms, and racist slogans, although it rarely enforced these provisions. Following November 2007 Fatal-Hamas clashes in Gaza, Hamas banned rallies, impeded freedom of assembly, and the carrying of arms by Fatah members. Hamas members were permitted to hold demonstrations and display weapons in public in Gaza.

On April 26, Hamas decreed that any public assembly or celebration was required to receive prior permission, in contradiction to the Basic Law.

On May 10, four plainclothes Hamas security forces entered the Commodore Hotel in Gaza and broke up the annual conference of Bada'el Media Research and Studies Center, citing the failure of the conference to obtain permission from the police.

In June Hamas detained Fatah activists mourning the anniversary of the June 2007 killing of Jamal Abu al-Jidyan, a senior al-Aqsa Martyrs Brigade member and Fatah Secretary for northern Gaza.

Israeli security forces used force against Palestinians and others involved in demonstrations, and military orders banned public gatherings of 10 or more persons without a permit. Since 2005 Palestinian, Israeli, and international activists demonstrated each week in Bil'in village to protest the construction of the separation barrier. On several occasions, soldiers tear gassed, beat, or injured them with rubber bullets.

Freedom of Association.—PA law allows for the freedom of association, but it was limited in practice. PA security services frequently raided and closed Hamal-affiliated organizations and charities. On August 6, the PA raided four charitable organizations and two printing houses in Hebron Governorate and confiscated vehicles and computers.

Between July 26 and July 28, in the aftermath of a July 25 explosion on a Gaza beach, Hamas closed at least 45 NGO offices. Most of the NGOs were Fatal-affiliated, but a number were independent of any political affiliation.

Overnight on July 7 and July 8, the IDF conducted a series of raids in Nablus against organizations allegedly affiliated with Hamas, including a major commercial mall.

Prominent Palestinian centers in East Jerusalem, such as the Chamber of Commerce and Orient House, remained closed by Israel on grounds they operated under PA supervision. On July 2, Israel closed the Palestinian Housing Council (PHC) in East Jerusalem on the grounds that it was acting as a representative of the PA. The organization released a statement saying it had been a registered Israeli company since 1991. PHC reopened on December 31 after the closure order expired without further action by the Government of Israel.

c. Freedom of Religion.—The Basic Law provides for religious freedom, and the PA generally respected this right in practice.

The Basic Law states that Islam is the official religion and that the principles of Islamic law shall be the main source of legislation but also calls for respect and sanctity for other "heavenly" religions. Religion must be declared on identification papers and personal status legal matters must be handled in ecclesiastical courts.

The PA's Ministry of Religious Endowments and Religious Affairs (Awqaf) constructed and maintained mosques and paid salaries of imams. Christian clergymen and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories; these areas were generally under Israeli control. The PA required that religion be taught in PA schools and provided separate instruction for Muslims and Christians.

Due to the Hamas take over of the Gaza Strip, the PA was unable to pursue cases of religious discrimination there. Attacks on the Christian community in Gaza increased in 2007, and the press reported the Hamas regime did not arrest suspects in these attacks. There were numerous attacks in the Gaza Strip by Muslim extremist groups who went by variations of the name "Swords of Right," "Swords of Justice," and "Swords of Islam." Some Gazan Christians stated that they believed they were under scrutiny for being different from their Muslim neighbors, and they raised concerns that no authority was willing or able to rein in extremist groups.

There were multiple attacks on schools and institutions affiliated with the small Christian community in Hamal-controlled Gaza. On February 15, armed men broke into the YMCA compound in Gaza City and attacked the guards. They set off two bombs, including one in the library that damaged thousands of books. On February 21, armed militants forced their way into the Lighthouse Baptist School in Gaza City, assaulted a guard, and vandalized classrooms.

On March 20, a 15-year-old boy from the West Bank settlement of Ariel was seriously wounded by shrapnel after explosion of a bomb that was concealed in a Purim

gift basket in front of his home. The boy's father, a Messianic Jew, was previously the victim of a smear campaign by Orthodox Jews, who hung posters of his face with the caption "dangerous missionary." It was widely reported that the family was attacked because of their religious beliefs.

On May 16, unknown assailants detonated a bomb outside a Christian school in Gaza City, causing no injuries. Hamas officials stated they were looking into the incident, and the case remained open at year's end. On May 31, unidentified militants again attacked the Lighthouse Baptist School in Gaza City, injuring a guard and stealing a bus from the Holy Book Association.

There were no developments in the October 2007 cases of Rami Khader Ayyad, who was abducted and killed on his way home from work at the Baptist-affiliated Holy Bible Association in Gaza, or the arson at a synagogue near the settlement of Dolev in the West Bank.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions; however, some increases in societal abuses and discrimination contributed to a slight decline in respect for religious freedom during the year. Israeli permit restrictions on entering Jerusalem prevented many Christian and Muslim worshipers from reaching holy sites in the city.

Religious workers from Christian organizations in Jerusalem, the West Bank, and Gaza found it increasingly difficult to obtain or renew visas from the Israeli government. In October 2007 the Interior Ministry announced it had cancelled all reentry visas for Christian clergy in the occupied territories. Clergy who wished to return to or visit their parishes in the occupied territories were required to apply for new, single-entry visas at Israeli consulates abroad, a process that could take months.

In October 2007 the Interior Ministry told the newspaper Ha'aretz that the unannounced mass visa revocation was conducted at the request of security officials, and that the ministry was "trying to coordinate a means of operation that would make it easier for clergymen and women to travel." According to the President of the Holy Land Christian Ecumenical Association, quoted in an October 2007 Ha'aretz report, some clergy refused to leave the occupied territories, fearing that they would not be allowed to return, while others remained outside the country after being turned back by border officials while trying to return home. As in past years, the shortage of foreign clergy impeded the functioning of Christian congregations and other religious and educational institutions.

The construction of the separation barrier by Israel, particularly in and around East Jerusalem, limited access to mosques, churches, and other holy sites, and seriously impeded the work of religious organizations; however, at times the Israeli government made efforts to lessen the impact on religious communities. For security reasons, the Israeli government frequently prevented nearly all West Bank Palestinians and most male Muslim worshippers with Jerusalem identification cards under a certain age (usually 45 or 50) from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam. Israeli authorities restricted many West Bank and virtually all Gaza residents from entering Jerusalem during Ramadan.

Israeli police escorted tourists to the Haram al-Sharif/Temple Mount in Jerusalem, who reportedly wished to assert the right of non-Muslims to visit. However, non-Muslims were not permitted to worship publicly at the shrine. The administration of the shrine accused Israeli police of permitting Jewish groups to worship publicly there.

Societal Abuses and Discrimination.—Palestinian media frequently published and broadcast material that included anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders carried on the official PA television. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas' al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings.

Israeli settler radio stations often depicted Arabs as subhuman and called for Palestinians to be expelled from the West Bank. Some of this rhetoric contained religious references.

The PA Ministry of Education and Higher Education completed the revision of its primary and secondary textbooks in 2006 and began a process to consider further revisions. International academics concluded the textbooks did not incite violence against Jews, but showed imbalance, bias, and inaccuracy. There are cases where the maps in Palestinian textbooks do not depict the current political reality. Palestinian textbooks are inconsistent in defining the 1967 borders and labeling areas and cities with both Arabic and Hebrew names.

On December 31, 2007, Israeli settlers from Elazar and Newe Daniyyel burned a 700-year-old mosque in Khirbet Humeida village near Bethlehem. There was no known investigation.

For more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Basic Law provides for freedom of movement, and the PA generally did not restrict freedom of movement.

The IDF restricted the movement of Palestinians and frequently heightened these restrictions citing military necessity. These restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism and NGO activities.

The Israeli government continued construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. As of September, 57.2 percent of the route of the separation barrier was completed, 8.6 percent was under construction, and 34.2 percent was not yet constructed. The route of the barrier separated approximately 9.5 percent of the West Bank, totaling approximately 135,000 acres, including East Jerusalem, from the rest of the West Bank. Areas near the barrier or its projected route are designated military zones where Palestinians were not able to obtain building permits.

A 2004 International Court of Justice advisory opinion concluded that construction of the barrier was in a number of aspects contrary to international law. In 2005 the High Court reaffirmed its 2004 decision that the barrier is permissible under both international and Israeli law if properly routed; however, it questioned whether a segment near Jerusalem in the West Bank utilized the least intrusive route available and asked the Government to consider an alternative. The High Court has ordered the Government to reroute three specific sections of the barrier. At year's end the Government had not begun to implement the 2005 ruling regarding the barrier near Alfe Menashe settlement or the September 2007 ruling regarding the portion near Bil'in village. In November work implementing the 2006 ruling on the routing near 'Azzun and Nebi Alias villages began.

Palestinians filed a number of cases with the Israeli High Court challenging the route of the barrier, several of which remained active at year's end. In September 2007 the High Court ordered the IDF to redraw, partially dismantle, and rebuild the route of a 1.1 mile section of the barrier around Bil'in that separated Palestinian residents from much of their farmland. The High Court instructed the IDF to present a revised plan within a reasonable period of time and explicitly required a parcel of land belonging to the village allocated for expansion of the settlement of Modiin Ilit to be placed on the Palestinian side of the barrier. During the year two proposed reroutings were offered by the IDF, each of which was rejected for not meeting the requirements of the September 2007 court decision. At year's end following a December 15 ruling against the most recent proposal, the IDF was drafting a third draft revision to the routing of the existing barrier.

During the year Israeli authorities required thousands of Palestinian schoolchildren who resided on the eastern side of the barrier to transit gated checkpoints to attend school in East Jerusalem. Students from Bir Nabala, which is surrounded by the barrier, were prohibited from crossing near their homes; instead, they were forced to take hour-long detours of seven to 10 miles to pass Rafat/Masyion and Qalandiya checkpoints to reach school.

Near Jerusalem, Highway 443 crosses the West Bank southwest of Ramallah and since 2006 has been restricted by military order from use by nearly all Palestinians. On March 5, the Israeli High Court deferred a decision on the legality of Highway 443 until an update could be provided on the progress of an alternate road for use by Palestinians, effectively sanctioning the restrictions in place at the time. Human rights organizations said that land for Highway 443 had originally been expropriated for the purpose of improving transportation for Palestinians between Ramallah and outlying villages.

In "seal-zone" communities in the West Bank, located between the separation barrier and the Green Line, Israel requires Palestinians to obtain residency permits to remain in their homes. Services for these communities are generally located on the east side of the separation barrier, so children, patients, and workers must pass through barrier gates to reach schools, health services, and workplaces. Gates are neither open around the clock nor are ambulances allowed free access.

In the aftermath of terrorist attacks or during military exercises, Israeli authorities prohibited travel between some or all West Bank towns. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli, Jewish, and Muslim holidays, by "comprehensive, external closures," which

precluded Palestinians from leaving the West Bank. The IDF imposed temporary curfews confining Palestinians to their homes during arrest operations; the West Bank was under curfew a total of 873 hours in 2007.

Since June 2007 Israel has enforced a strict blockade of Gaza, seriously impeding people and goods from entering or leaving. Virtually no humanitarian goods or fuel entered Gaza between November 5 and December 25 during a flare-up of hostilities between Israel and Hamas. Israel permitted additional humanitarian goods to enter Gaza immediately prior to and during IAF airstrikes that began on December 27. The shortages of fuel caused by the closure resulted in widespread blackouts throughout Gaza and damaged electrical grid infrastructure. Israeli prohibition of access to Gaza beginning in early November for foreign journalists resulted in widespread protests by international news agencies. Israel also denied entry to Gaza to foreign staff of international NGOs working in Gaza from November 4 until the end of the year.

In response to Qassam rocket fire, the IDF announced in 2005 that Palestinians should keep a distance of 460 feet from the Gaza perimeter fence and declared the former northern settlement block a "no-go" zone. Entry into this area for the 250 Palestinian residents requires prior coordination with the IDF. Although the official buffer remained 460 feet, Palestinians were often prevented from approaching areas as far as 3,280 feet from the fence in some areas. According to OCHA, since May 2007, due to continuing IDF military activities, Palestinian farmers have been unable to reach their farms in the area.

Access to Israel and Egypt for medical treatment by Gazans continued to be highly restricted. However, between February and March, several hundred medical patients were allowed to leave Gaza using shuttles. On August 4, Physicians for Human Rights reported that the ISA questioned patients transiting Erez checkpoint from Gaza and could refuse passage to persons refusing to provide intelligence information to ISA. Jerusalem-based ambulances were not permitted to serve Palestinian patients in nine communities located within the Jerusalem municipality but isolated by the separation barrier. PRCS ambulances from the West Bank were subjected to delays or refused entry to Jerusalem by IDF soldiers at checkpoints. PRCS employees reported being objects of verbal or physical abuse on 30 occasions through October.

According to OCHA, as of September, in the West Bank there were 630 obstacles to movement, including 75 fully manned checkpoints, 18 occasionally manned checkpoints, 230 earth mounds, 68 cement roadblocks, 97 road gates, 46 earthen walls, 22 trenches, and 74 road protection fences. There were an additional 69 obstacles in the H2 area of Hebron not otherwise counted as staffed checkpoints which OCHA counted separately from the total number of obstacles. During the year of the 71 gates or checkpoints along the separation barrier, 40 were accessible only to Palestinians in possession of permits. Operating hours of the accessible gates were limited and although schedules were announced, openings and closings were erratic. Closure of major checkpoints was at times arbitrary and hindered Palestinians from reaching workplaces, school, places of worship, and health services.

Between January and October, OCHA recorded 3,078 "temporary" checkpoints in the West Bank, a weekly average of 76.2, due to arrests or other operations. Over the same period Israeli forces made 3,341 arrests.

Israel continued to restrict access to the Jordan Valley by Palestinians residing in other areas of the West Bank. Highway 90, the main north-south highway in the Jordan Valley, was not explicitly restricted from use by Palestinians, but Palestinians not resident in the valley have been prohibited from driving cars across the four main access points since April 2007.

Palestinians in the Israeli-controlled section of Hebron (H2), according to OCHA, faced 78 significant obstacles to movement. According to a November-December 2006 B'Tselem survey, these policies have since 2000 resulted in Palestinians abandoning more than 1,000 homes (40 percent of all Palestinian homes) and at least 1,829 (more than 76 percent) businesses in H2.

West Bank and Gaza residents can enter Jerusalem only with an Israeli-issued travel permit. During the year Israeli authorities prohibited passage between Gaza and the West Bank, except for a very limited number of Palestinians holding Israeli permits. During the month of Ramadan, only Palestinian men over 50 and women over 45 were permitted to enter Jerusalem without a permit. Palestinians under the age limit were required to obtain a permit.

In December 2007 a court-ordered, IDF-operated shuttle service between Gaza and the West Bank ceased operating. The shuttle, started following the June 2007 closure of the Rafah crossing in Gaza, allowed students and holders of long-term visas, residency, or citizenship of a foreign country to leave Gaza. The shuttle system operated four times, and 550 people were allowed to leave, but after Israel de-

clared Gaza a “hostile entity” in September 2007, the shuttle service was discontinued. In response to a petition by the Israeli NGO Gisha (Legal Center for Freedom of Movement), the High Court in October 2007 ordered that it be renewed, and in December the shuttle service transported 484 students and their families.

In January the High Court petition filed by Gisha was withdrawn after all named petitioners either reached universities or had admissions to overseas universities cancelled. Gisha estimated that approximately 70 students were granted exit permission for foreign study on a cas.—b.—case basis during the year on the condition that diplomats from the countries of study escorted students while transiting Israel to and from Gaza.

The IDF banned Gazan students from studying in the West Bank and limited West Bank Palestinians from university study in East Jerusalem and Israel (See Section 2.a.).

The PA issued passports for Palestinians in the West Bank and Gaza. Because there were no commercial flights from the territories and permits to use Ben Gurion airport were not available, travelers departed by land into Jordan or Egypt. NGOs claimed that Israeli authorities harassed their representatives who landed at Ben Gurion airport. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter the West Bank and Israel both from Ben Gurion airport and land entry points.

Palestinians with Jerusalem identification cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued passports to Palestinians in the West Bank and East Jerusalem.

Residency restrictions affected family reunification. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or who subsequently lost residence permits, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents must obtain a residency permit and reported delays of several years. Palestinians in East Jerusalem also reported delays in registering newborn children. In September 2007 the High Court ordered reconsideration of the freeze on family unification in the West Bank. There were no further developments at year’s end.

The Basic Law prohibits forced exile, and the PA under President Abbas did not use forced exile in practice. Revocations of Jerusalem identification cards continued in recent years. B’tselem reported that 1,363 were revoked in 2006. In 2007, the most recent year for which data were available, HaMoked stated that the Israeli Ministry of Interior recorded 289 revocations. Reasons for revocation include having acquired residency or citizenship in a third country, living abroad for more than seven years, or, most commonly, being unable to prove a “center of life” in Jerusalem.

The Internal Displacement Monitoring Centre of the Norwegian Refugee Council, citing data gathered by Palestinian refugee-rights NGO BADIL in September 2007, estimated there have been more than 110,000 internally displaced persons (IDPs) since 1967. The UN Relief and Works Agency (UNRWA) estimated that between January and March, at least 544 individuals, including 159 children, were displaced as a result of 74 residential structure demolitions in the occupied territories, almost exclusively in the West Bank. This internal displacement in the West Bank is primarily the result of actions by the Israeli government, including home demolitions, land expropriation, and revocation of Jerusalem residency rights.

Internal displacement in Gaza was significant, resulting from damage to housing and flight from conflict areas during the IAF air strikes in the last five days of December. At year’s end UNRWA estimated that 370 people were living in shelters in Gaza as a result of continuing Israeli military operations.

With limited exceptions, Israel did not provide protection or assistance to IDPs in the occupied territories. Israel made available monetary compensation for land expropriations, which was generally refused by Palestinians. The PA provided some assistance through rental subsidies and financial assistance to reconstruct demolished houses. International response and assistance to internally displaced persons lacked coordination, and there was no single agency responsible for protection of IDPs during the year.

Neither Israel nor the PA forcibly returned IDPs to their original residences under dangerous conditions during the year.

UNRWA was not consistently permitted by the Israeli government to provide humanitarian assistance to refugee communities in Gaza and parts of the West Bank. UNRWA’s mandate is to provide direct relief and services to registered Palestinian refugees, 70 percent (nearly one million) of Gaza’s population and 30 percent (687,000) of the West Bank’s population.

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

Elections and Political Participation.—In 2006 the 132-member PLC was elected in a process that international observers concluded generally met democratic standards in providing citizens the right peacefully to change their government. The PLC did not meet during the year due to lack of a quorum (*See* Section 1.d.).

The 2005 primary elections to determine Fatah candidates for the 2006 PLC elections were marred by violence and allegations of fraud and were never completed in some areas. Israeli authorities restricted campaigning for the PLC elections in Jerusalem. Hamal-backed candidates participated in the 2006 PLC elections but only under the name “Reform and Change Movement,” not “ Hamas,” and won 74 of 132 seats. Fatah won 45 seats; independents and candidates from third parties won the remaining seats.

In 2005 Palestinians elected Mahmud Abbas as PA President. Seven candidates competed in a vigorous election campaign. In both the 2005 Presidential election and the PLC election, the Israeli government and the PA followed the 1996 parameters for Palestinians residing in East Jerusalem to vote, but inadequate arrangements kept turnout in Jerusalem low.

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize Israeli jurisdiction in Jerusalem and did not participate. Turnout among Palestinians resident in Jerusalem was extremely low in November elections, and there continued to be no Palestinians on the Jerusalem City Council.

There were 17 women in the 132-member PLC and three women in the 16-member Cabinet formed in June. There were seven Christians in the PLC and two in the cabinet during the year.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively.

There was a widespread public perception of corruption, notably within the PA security forces and the Hamas Executive Force. Many social and political elements called for reform. PA ministers were subject to financial disclosure laws, and the PA attorney general’s office is responsible for combating government corruption.

The law requires official PA institutions to “facilitate” acquisition of requested documents or information to any Palestinian, but it does not require PA agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

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

Palestinian human rights groups and several international organizations monitored the PA’s human rights practices. According to the PA Ministry of Interior, at year’s end approximately 4,700 NGOs were registered and 1,700 were active in the West Bank. PA officials usually cooperated with and permitted visits during the year by UN representatives or other organizations such as ICRC; however, since the beginning of the Intifada, several NGOs voluntarily deferred criticism of the PA’s human rights performance, and documentation of abuses was very limited. NGOs, however, criticized the PA’s inadequate security performance.

The GI and the civil police in the West Bank appointed liaisons with human rights groups.

Israeli, Palestinian, and international NGOs monitored the Israeli government’s practices in the occupied territories and published their findings, although the security situation, including closures in the West Bank and fighting and access restrictions in Gaza, increasingly made it difficult to carry out their work. The Israeli government permitted human rights groups to publish and hold press conferences and provided the ICRC and other groups with access to detainees.

The IDF entered UNRWA facilities 14 times during the year, causing some damages, usually in the course of arrest operations in the West Bank. PA security forces in the West Bank entered UNRWA facilities twice. UNRWA recorded multiple incidents during the year of UN staff being harassed or having weapons pointed at them by IDF soldiers at checkpoints.

The quasi-governmental ICHR serves as the PA’s ombudsman and human rights commission.

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

The law states that all Palestinians are equal without discrimination because of race, gender, color, religion, political views, or disability. There was societal dis-

crimination against women, persons with disabilities, and homosexuals; child abuse also persisted.

Women.—Rape is illegal, but its legal definition does not address spousal rape. PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. According to HRW, few cases were successfully prosecuted. According to the Palestinian Central Bureau of Statistics, violence against wives, especially psychological, was common in the West Bank and Gaza. A woman must provide two eye witnesses, not relatives, to initiate divorce on the grounds of spousal abuse.

In April the Palestinian NGO Society Voice Foundation released the results of a field study concluding that in the Gaza Strip 75 percent of women witnessed verbal, physical, sexual, or other types of violence, and 42 percent were victims of violence.

According to the UN Children's Fund (UNICEF), conditions in Gaza were associated with increased levels of violence against women. In 2007 two in five women in Gaza reported being victims of violence, up from one in five in 2006. There were a handful of NGO-funded women's shelters in the West Bank; there were no shelters in Gaza. Women generally approached village or religious leaders for assistance.

The PA Ministry of Women's Affairs reported there were 51 honor killings from 2004 to 2007.

Prostitution is illegal, and it was not openly practiced.

Palestinian labor law states that work is the right of every capable citizen and regulates the work of women. However, during the year the rate of female participation in the workforce did not exceed 14 percent compared to 67 percent for males. Women endured prejudice and repression. Cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

For Muslims, personal status law is derived from Shari'a (Islamic law). Shari'a pertaining to women is part of the governing 1976 Jordanian Status Law, which includes inheritance and marriage laws. Women can inherit but not equally. Men may take more than one wife but rarely do. Women may make marriage contracts to protect their interests in divorce and child custody but rarely did so. Children often stayed with the mother; men paid child support and alimony. Ecclesiastical courts rule on personal status issues for Christians.

Children.—Israel registers births of Palestinians in Jerusalem. The PA registers Palestinians born in the West Bank and Gaza, and Israel requires that the PA pass this information to the Israeli Civil Administration.

According to the Jerusalem-based NGO Ir Amim, 48 new classrooms were built in East Jerusalem between 2001–06 after a 2001 Israeli High Court order that the municipality build 245 new classrooms within four years. On September 9, two additional schools containing a total of 46 classrooms were inaugurated in the East Jerusalem neighborhood of Umm Lison. Ir Amim, citing a 2006 study by the Knesset Education Committee, stated that by 2010 the projected shortfall of classrooms in East Jerusalem would be 1,900.

Child abuse was reported to be a widespread problem. A 2006 HRW study cited a Palestinian Central Bureau of Statistics survey indicating high levels of domestic violence, aggravated during times of political violence. There were no updated statistics during the year. The Basic Law prohibits violence against children; however, PA authorities rarely punished perpetrators of familial violence.

International and domestic NGOs promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

The IDF used minors as human shields; Palestinian terrorist groups used minors to conduct attacks, smuggle weapons, and act as human shields. OCHA reported that between January 1 and December 23, 71 children were killed in Gaza by the IDF. Palestinian factional violence killed 15 children in Gaza over the same period. In the West Bank, 17 children were killed, including 13 by the IDF, two by Israeli settlers, and one by Palestinians. Excluding the final week of the year in Gaza, a total of 618 children were injured in the West Bank and Gaza. The IDF and Israeli settlers were responsible for 99 percent of the 397 injuries to children OCHA recorded in the West Bank (352 were reported as injured by the IDF and 41 by Israeli settlers).

Trafficking in Persons.—Palestinian law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the occupied territories.

Persons With Disabilities.—The Basic Law states all Palestinians are equal without discrimination because of disability. Access to public facilities was not mandated. There was societal discrimination against Palestinians with disabilities. In 2005 the Health, Development, Information, and Policy Institute estimated 2,900 Palestinians injured since 2001 would have permanent disabilities.

Poor quality care for Palestinians with disabilities was a problem. The PA depended on NGOs to care for those with physical disabilities and offered substandard care for mental disabilities.

Other Societal Abuses and Discrimination.—There was no legal discrimination against homosexuals. However, cultural and religious traditions reject homosexuality, and Palestinians alleged that PA security officers harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was high.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to form and join independent unions of their choice and was respected in practice. Labor unions in Gaza continued to operate, despite a severely weakened economy during the year.

The two most active unions were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions (PGFTU). The PGFTU was a member of the International Trade Union Confederation. Both were registered with the PA Ministry of Labor and Social Affairs.

Workers in Jerusalem may establish unions but may not join West Bank federations; however, this restriction was not enforced. Workers holding Jerusalem identity cards may belong simultaneously to West Bank unions and the Israeli General Federation of Labor (Histadrut).

Palestinians working in Israel or Jerusalem prior to 2000 were partial members of Histadrut and entitled to limited benefits. Histadrut and West Bank union officials negotiated an agreement in 1995 to transfer half of their dues to the PGFTU. At year's end the PA Ministry of Labor and Social Affairs (MOLSA) reported that 20 percent of dues had been transferred.

PA law provides for the right to strike. In practice, however, strikers had little protection from retribution. Prospective strikers must provide written warning two weeks in advance of the basis for the strike (four weeks in the case of public utilities), accept MOLSA arbitration, and are subject to disciplinary action if they reject the result. If MOLSA cannot resolve a dispute, it can be referred to a special committee and eventually to a court. Accordingly, in practice the right to strike remained questionable.

PA employees organized three short-term strikes over salary payment issues against the PA during the year. The strikes pertained to the payment of salary arrears and teacher contracts in East Jerusalem schools. All these issues were resolved within a day or two of the strike.

Individual offices within the PA ministries in Gaza conducted strikes and work stoppages against Hamal-led public offices in Gaza throughout the year. Public sector health care workers and teachers held extended strikes against Hamas for reported discrimination against non-Hamas affiliated PA employees. At year's end these types of strikes continued in Gaza with reduced rates of participation compared to earlier strikes.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law, and this law has been enforced in certain cases. However, there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited in recent years. Collective bargaining agreements covered 20 percent of workers. Antiunion discrimination and employer interference in union functions are illegal, and the Government enforced these prohibitions. Most unions in the West Bank and Gaza serve Palestinian Authority employees, and negotiations on labor issues occur between union leadership and the prime minister's office. Trade unions of non-PA employees have had good relations with the PA and have received PA permission to operate and negotiate on PA contracts. During the year the PA was more effective at protecting bargaining rights for unions of non-PA employees in the West Bank than in previous years.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law states that work is a right and that the PA will strive to provide it to any capable individual. MOLSA interpreted this statement to prohibit forced and compulsory labor, including by children. PA labor law prohibits forced or compulsory labor.

d. Prohibition of Child Labor and Minimum Age of Employment

The minimum employment age is 15, and there are special conditions for employment under 18. The law states that children shall not be allowed to perform work that might damage their safety, health, or education, and prohibits working at night, hard labor, and travel beyond their domicile. However, many underage children worked in family farms and shops, as street vendors, or in small enterprises. The UN estimated that during the year, 17,000 Palestinians worked in West Bank settlements and industrial areas, but it was unclear how many were minors.

The PA had eight child labor inspectors for the West Bank and Gaza. MOLSA stated that Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers, and there were no Israeli inspectors in West Bank settlements and industrial zones.

e. *Acceptable Conditions of Work.*—There was no minimum wage. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past eight years due to increases in cost of living which outpaced salary increases.

According to Palestinian Central Bureau of Statistics, the unemployment rate in the third quarter of the year was 36 percent in Gaza and 17 percent in the West Bank. In September the World Bank reported that two-thirds of Palestinians lived below the official poverty line and were unable to support themselves and their families without international assistance. In October OCHA reported that 88 percent of the Gaza population lived in poverty and depended on international assistance.

MOLSA reported that most employees work at least 50 hours each week; the maximum official work week is 48 hours. There were reports that PA employees were pressured to work additional hours to be promoted. The PA observed religious holidays, but they were not incorporated in labor law. Employers are required to allow Christians to attend church on Sunday if the employee desires. Some employers offered Christians the option of taking Sunday off, rather than Friday.

Responding to a petition filed by the Israeli NGO Kav La Oved, the High Court in October 2007 ruled that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements and in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel. On November 28, a Dutch NGO, United Civilians for Peace, reported that Palestinian workers in settlements continued to receive wages below the Israeli minimum wage and often worked extra hours without compensation.

MOLSA was responsible for safety standards, but its enforcement ability was limited. The ministry stated new factories and workplaces met international health and safety standards, but older ones did not. Employees of small construction and service firms were at greatest risk for work place injuries, according to union officials. Unions complained that smaller worksites were not effectively monitored by the PA and were at times below legal standards for safety. Palestinians who work in Israel must contribute to the National Insurance Institute and are eligible for limited benefits.

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein. It has a population of approximately six million. The constitution concentrates executive and legislative authority in the King. The multiparty parliament consists of the 55-member House of Notables (Majlis al-Ayan), appointed by the King, and a 110-member elected lower house, the Chamber of Deputies (Majlis al-Nuwwab). The November 2007 elections for the lower house of parliament by and large went smoothly; however, local observers alleged some irregularities. Authorities effectively controlled the security forces, but there were some instances in which domestic and international nongovernmental organizations (NGOs) accused members of the police and security forces of committing human rights abuses.

The Government respected human rights in some areas, but its overall record continued to reflect problems. The Government restricted citizens' right to change their government. Domestic and international NGOs reported cases of torture, arbitrary arrest, prolonged detention, and the continuance of poor prison conditions. Impunity, denial of due process of law, and limited judicial independence remained problems. Infringements on citizens' privacy rights continued. The Government harassed religious activists and opposition political party members and restricted to varying degrees freedom of speech, press, assembly, association, and movement. Legal and

societal discrimination existed against women, converts from Islam, and persons of Palestinian origin. Restrictions on labor rights and abuse of foreign domestic workers remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In contrast with 2007, there were no reports during the year that the Government or its agents committed arbitrary or unlawful killings. The Government completed investigations of allegations made in two 2007 deaths in police custody due to mistreatment.

Two prison guards were sentenced to two and one-half years in prison with hard labor for the fatal May 2007 beating of Firas Zeidan in detention. The court also sentenced a third guard to two months for neglect in carrying out duties, found a fourth guard innocent, and removed and fined the prison director 120 dinars (approximately \$168) for ordering Zeidan into solitary confinement without assessing his health. According to autopsy reports, Zeidan's lung collapsed and his body was covered with bruises and contusions.

The medical and police investigations of the August 2007 death of Ala Abu Tair in Swaqa prison stated the cause of death was a heart attack. The Government removed the prison director after the autopsy revealed Tair's body was heavily bruised.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but several domestic and international NGOs alleged torture and mistreatment of prisoners in police and security detention facilities. Article 208 of the penal code prohibits torture by public officials, including psychological harm, and provides penalties of up to three years' imprisonment, including hard labor if serious injury occurs. During the year there were no prosecutions of torture under this article.

Although torture is illegal in the country, an October report by the NGO Human Rights Watch (HRW), "Torture and Impunity in Jordan's Prisons," concluded that torture remained a widespread practice. Interviews with 66 prisoners in seven of the country's 10 prisons produced allegations of ill-treatment, which HRW concluded often amounted to torture. Common forms of torture detailed in the interviews were beatings with cables and sticks and suspension in metal cuffs for hours at a time. Political prisoners, including Islamists convicted of crimes against national security, reportedly received greater abuse than ordinary prisoners. The report also documented the severe lack of punishment and failure to investigate abusive guards.

In a January 2007 report the UN special rapporteur on torture described police and security forces as practicing "widespread" torture based on "consistent and credible allegations," which he stated were substantiated by forensic medical evidence. April and May 2007 reports from the Arab Organization for Human Rights (AOHR) and Amnesty International (AI), respectively, alleged torture and ill-treatment in government detention centers. The National Center for Human Rights' (NCHR) "Fifth Report on Prison Conditions," released in December 2007, reported 45 complaints of mistreatment or torture at Public Security Directorate (PSD) prisons. In 2006 there were 46 reported complaints, down from 70 the previous year and even higher numbers in years prior. The NCHR report recounted allegations of mistreatment and abuse in General Intelligence Directorate (GID) facilities, but it did not provide specific information on these complaints.

According to press reports, some defendants before the State Security Court claimed they were tortured while in custody. Between September 2007 and May 2008 security forces allegedly tortured five men accused of monitoring military sites for Hamas, possessing firearms with illicit intent, obtaining information that would threaten national security, and recruiting people to join illegal operations. The men claimed that officers tortured them to obtain confessions. On January 14, two men accused of exporting weapons to the West Bank and possessing illegal weapons claimed their confessions were also obtained through torture. At year's end the cases against the men were ongoing.

On January 17, Nidal Momani, Tharwat Draz, and Sattam Zawahra repeated their May 2007 claims that they were beaten and psychologically pressured to confess to participating in plots to kill a foreign leader visiting the country in 2006. At year's end there were no new developments in their case.

There was no update in the case of the two defendants who reported in March 2007 before the State Security Court that security forces tortured them to force confessions.

At year's end there were no developments in the investigation of Ali Utoum's alleged August 2007 abduction and beating.

A police court sentenced Majid al-Rawashda, the Swaga prison warden who reportedly ordered beatings of several hundred inmates in August 2007, to two months' imprisonment and dismissed him from his position. The court exonerated 12 guards who participated in the beatings, stating that they were following orders. An NCHR investigation into the incident concluded that the inmates were beaten and ill-treated and that prison officials denied a large number of inmates access to medical care.

Prison and Detention Center Conditions.—According to several international and local NGOs, prisons continued to be overcrowded and understaffed, with inadequate food and health care and limited visitation. Prison guards beat detainees, usually with impunity, and prison riots and hunger strikes were common. However, prison health care somewhat improved, according to an August 12 International Committee of the Red Cross (ICRC) report.

On April 14, Muwaggar prison inmates Firas al-Utti, Hazim Ziyada, and Ibrahim al-Ulayan burned to death during a riot. According to NCHR and HRW, mistreatment and beatings of inmates by some police officers led to the riot. As confirmed by the Government, approximately 28 prisoners set fire to their mattresses, and prisoners in adjoining cells joined in the protest and shouted and inflicted harm on themselves with sharp objects. Prison guards entered the prison building to secure the burning cell, but they reported being unable to open the doors because the prisoners had allegedly barricaded them with beds. One eyewitness said that the guards did nothing for 10 minutes despite cries from the prisoners inside the burning cell to open the doors. The NCHR asserted that the doors of the cell opened out, allowing them to be opened regardless of any barricade inside. According to eyewitnesses, when the fire was almost extinguished, the guards opened the doors and beat those who exited, then pushed 18 people back into the cell, including the three whose bodies were later found. After relocking the cell door, a second, much bigger fire started. HRW claimed that eyewitnesses to the killings were held in solitary confinement and lawyers, family members, and human rights investigators were not allowed to speak with them. The PSD investigation committee tasked with investigating the riots referred 23 inmates to the judiciary on charges of "causing damage to public property." The guards on duty did not face charges or punishment.

On April 15, according to the NCHR, dozens of inmates were injured during a riot in Swaga prison that the Government claimed was started by inmates out of solidarity with the rioters in Muwaqqar prison.

On July 7, according to the NCHR, 14 inmates at Jweideh prison went on a week-long hunger strike over visitation scheduling and harassment during transportation to court hearings.

The Government generally held men, women, and juveniles in separate prison and detention facilities. The GID held some persons detained on national security grounds in separate detention facilities but conditions for such prisoners reportedly did not differ significantly.

The Government permitted local and international human rights observers to visit prisons and to conduct private interviews in prisons. During the year the ICRC visited prisoners and detainees in all prisons, including those held by the GID and the military intelligence directorate, according to standard ICRC modalities. In February the NCHR opened a permanent human rights office in Swaga prison, as directed by the King, to investigate and handle complaints by inmates. The NCHR also continued routine and unannounced prison inspections during the year; however, after it released a report on the April Muwaqqar riot that was critical of the Government response, authorities closed the NCHR office in Swaga prison and restricted prison inspections for several months.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, according to local and international human rights groups, the Government did not always observe these prohibitions in practice. The law provides that citizens are subject to arrest, trial, and punishment for the defamation of heads of state or public officials and dissemination of "false or exaggerated information outside the country that attacks state dignity."

Some human rights groups continued to voice concern over the 2006 Prevention of Terrorism Act, complaining that its definition of terrorism might lead nonviolent critics of the Government to be arrested or detained indefinitely under the provisions of the act. However, the Government had yet to make use of the act at year's end.

Role of the Police and Security Apparatus.—The PSD controls general police functions. The PSD, GID, and military share responsibility for maintaining internal se-

curity. The PSD reports to the interior minister with direct access to the King when necessary, and the GID in practice reports directly to the King. Security and policing activities were effective.

During the year citizens made allegations of corruption and abuse against both the PSD and GID. In 2007 citizens filed 625 complaints against PSD personnel. The PSD's preventative security office investigated officers' performance and reported incidents of poor officer performance to the PSD director's office. Citizens may file complaints of police abuse or corruption to one of the PSD's eight offices of complaints and human rights. Although allegations of torture and ill-treatment were widespread according to numerous credible observers, including the UN special rapporteur on torture, the low number of prosecutions for such crimes indicated PSD impunity was common. The GID's mechanisms for investigating complaints of abuses and the number of complaints against the GID were not made public.

New PSD officers received special instruction on preventing corruption and human rights abuses.

Arrest and Detention.—The law allows suspects to be detained for up to 48 hours without a warrant in most cases. Human rights observers claimed that police continued to make arrests prior to obtaining warrants. The criminal code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, local NGOs have stated courts routinely granted requests from prosecutors for 15-day extensions, as provided by law. This practice generally extended pretrial detention for protracted periods. Bail is allowed under the penal code and used. Some detainees reported not being allowed prompt access to a lawyer, but authorities generally permitted visitation by family members. There were allegations of incommunicado detention, particularly in GID facilities.

The State Security Court gives the judicial police, charged with conducting criminal investigations, authority to arrest and keep persons in custody for a period of seven days when necessary in any crime under the jurisdiction of the court, which includes many misdemeanors. In cases purportedly involving state security, the security forces arrested and detained citizens without warrants or judicial review, held defendants in lengthy pretrial detention without informing them of the charges against them, and did not allow defendants to meet with their lawyers, at times until shortly before trial. Defendants before the State Security Court usually met with their attorneys only one or two days before their trial. Several inmates were in detention without charge at year's end.

Local governors have the authority to invoke the Crime Prevention Law, which allows them to place individuals in administrative detention (prison) or under house arrest for up to one year without formally charging them. The NCHR objected to the number of administrative detentions, noting that 12,178 persons were detained in 2007.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. In practice the judiciary's independence was compromised due to allegations of nepotism and the influence of special interests. The Judicial Council, a committee led by the President of the Court of Cassation, is comprised of other high-ranking judges from various courts and the Ministry of Justice (MOJ). This council approves judicial appointments after the initial nominations by the MOJ and assigns and evaluates judges. The Judicial Council lacks the internal capacity to manage judicial administrative and financial matters that would ensure its independence.

The judicial system consists of civil, criminal, commercial, security, and religious courts. Most criminal cases are tried in civilian courts, which include the Court of Appeal; the High Court of Justice, convened for specific cases; and the Court of Cassation, the highest court. The State Security Court, headed by two military officers and one civilian as judges, has jurisdiction over offenses by civilians and military personnel against the state and drug-related crimes. From January through September the State Security Court heard 1,840 cases, of which 1,450 were adjudicated. The religious courts are subdivided into Shari'a (Islamic law) courts and tribunals for non-Muslims. Shari'a courts have jurisdiction over all matters relating to the personal status of Muslims, including marriage, divorce, and inheritance. Christian courts have jurisdiction over marriage and divorce cases among Christians, but Shari'a is applied in inheritance cases.

Trial Procedures.—The law provides that all civilian court trials, including state security court trials, are open to the public unless the court determines otherwise. Juries were not used. Defendants were presumed innocent and entitled to legal counsel, which the Government provided for the indigent. Defendants could present witnesses on their behalf, question witnesses presented against them, and appeal verdicts. All citizens were accorded these rights. Appeals were automatic for cases

involving the death penalty. In the State Security Court, defendants convicted of felonies had the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. Civil, criminal, and commercial courts accord equal weight to the testimony of men and women; however, in Shari'a courts the testimony of two women was equal to that of a man in most circumstances. Defense attorneys were guaranteed access to government-held evidence relevant to their clients' cases.

Political Prisoners and Detainees.—There were reports by citizens and NGOs that the Government continued to detain individuals, including political opposition members and journalists, allegedly for political reasons, and that governors continued to use administrative detentions for what appeared to be political reasons. In a few cases reported in the media or by human rights organizations, detainees were kept in solitary confinement and denied access to lawyers.

In December 2007 police arrested Hassan Abu-Shawer, a 19 year-old student, and charged him with “fueling national discord and dishonoring the national flag” during a protest by the Islamic Action Front (IAF), the political wing of the Muslim Brotherhood. Authorities released Abu-Shawer in June on a 3,000-dinar (approximately \$4,200) bond. At year's end there were no developments in his case.

At year's end there was no update in the reported arrest and detention since June 2007 of three IAF members in Zarqa or the arrest and detention since September 2007 of two IAF members in Aqaba.

Civil Judicial Procedures and Remedies.—There is an independent judiciary in civil matters, and individuals may bring lawsuits related to human rights violations and did so during the year. The High Court of Justice hears administrative complaints. The courts are open to all residents. Courts also have jurisdiction over any person in a civil or criminal matter, including in lawsuits where the Government is a plaintiff or a defendant.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference in private matters; however, in practice the Government did not respect this prohibition. Citizens widely believed that security officers monitored telephone conversations and Internet communication and read private correspondence, and that the Government engaged in limited surveillance without a court order of persons deemed a threat to national security. The law requires that security forces obtain a warrant from the prosecutor general or a judge before conducting searches or otherwise interfering with these rights. In an April 2007 report, the AOHR alleged that the Government conducted late night raids on homes and made arbitrary arrests between the hours of 7 p.m. and 7 a.m.

Some political and religious activists reported that the GID withheld certificates of good behavior required for job applications or to open a business and threatened not to allow activists and their children to graduate from university.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and press; however, the Government imposed some restrictions on these rights. A 2007 press law abolished imprisonment of journalists for ideological offenses; however, limited detention and imprisonment of journalists for defamation and slander continued through provisions in the penal code. Many journalists reported that the threat of stringent fines of up to 28,000 dinars (\$70,000) led to self-censorship.

Citizens generally were able to criticize the Government, although they exercised caution in regard to the King, the royal family, the GID, and many other topics deemed sensitive, such as religion.

On December 15, authorities prevented Gamal Eid, executive director of the Arabic Network for Human Rights Information, from entering Jordan, detained him for six hours at the airport, and deported him back to Cairo. Eid claims that these actions were taken by security officials due to his criticisms of freedom of expression in Jordan at a 2006 conference in Amman.

On November 2, authorities released Ahmad Abbadi; he had completed a two-year prison term for “undermining the country's reputation” based on a letter he posted online accusing senior officials of corruption and criticizing the Government's respect for human rights.

The Government continued to limit the freedom of the press. Media contacts reported that the Government influenced the appointment of editor-in-chief at some major publications, whether directly by virtue of officials' positions on the boards of directors of government-affiliated publications or indirectly through undisclosed contacts. When covering controversial subjects, government-owned Jordan Television reported only the Government's position. International satellite television and

Israeli and Syrian television broadcasts were available and unrestricted. The law provides foreign media operations freedom of expression.

During the year there were reported instances of arrest and government harassment of journalists and other writers based on their work.

For example, on October 19, authorities arrested poet and Al Arab Al Yawm reporter Islam Samhan and charged him with slandering Islam for incorporating verses of the Koran and prophets in his book of love poetry, which was perceived to contain sexual themes. On October 24, authorities released Samhan on a 1,000 dinar (\$1,400) bail, but at year's end he faced up to three years in jail and/or a 20,000 dinar (\$28,000) fine.

On August 17, the conciliation court acquitted Khalid Khawaja of contempt of a public employee. Khawaja, a reporter with the leading government-owned Arabic newspaper Al-Rai, was arrested for allegedly assaulting a police officer while he was covering the distribution of meat to underprivileged citizens in Ain Al-Basha in February 2007. Khawaja had previously filed a complaint against three police officers he claimed beat him.

Journalists claimed that the Government used informants in the newsrooms and de facto censors at printing presses to review articles and reject language considered objectionable by the Government. According to a 2006 Committee to Protect Journalists report, authorities pressured printers to delay publication of several newspapers until editors agreed to remove critical articles. Editors reportedly received telephone calls from security officials instructing them how to cover events. The annual report by the Amman-based National Center for Defending the Freedom of Journalists (CDFJ) stated that the Government used detention and prosecution or the threat of prosecution to intimidate journalists into practicing self-censorship.

On March 12, the online news outlet Ammoun News posted a commentary article by veteran journalist Randa Habib that allegedly attacked a senior government official. The commentary article was removed from the Web site within an hour. It was posted again the following week. Subsequently, the Web site encountered technical difficulties that prevented most viewers within the country from accessing it.

The law forbids insulting the King, slandering the Government or foreign leaders, offending religious beliefs, and stirring sectarian strife and sedition. The Government prosecuted and convicted journalists for such crimes during the year. The punishment for defamation of the King or royal family is three years in prison. According to CDFJ, there are more than 50 such cases against journalists pending before the Amman Court of First Instance.

On March 13, the Court of First Instance sentenced two editors and three reporters from the leading newspapers of Al-Dustour, Al-Arab Al-Yawm, and Al-Rai to three months in jail for contempt of court and defamation. Four of the journalists were indicted after the Higher Judicial Council filed a complaint for publishing commentary on a ruling it passed. The fifth journalist was indicted for defamation after criticizing a government official on the Internet. The five were released pending appeals, which were ongoing at year's end.

On October 28, police arrested and detained El-Ekhbariya editor-in-chief Fayez Al-Ajrashi for five days in Al-Juweida prison before releasing him on a 3,000 dinar (\$4,200) bail. At year's end he faced criminal charges of "inflaming sectarian strife" and "sowing national discord" under the penal code before a military court and libel charges before a civil court. Ajrashi alleged both complaints were linked to his articles criticizing Amman governor Sa'ad Al-Manaseer's record and exposing cases of corruption.

The Government continued to enforce bans on the publication of selected books for religious, moral, and political reasons. Some foreign films were edited prior to release.

Internet Freedom.—The Government controlled access to certain Internet content, and citizens and activists widely assumed that the Government monitored electronic correspondence and Internet chat sites. According to 2007 International Telecommunications Union data, there were approximately 225,000 subscribers and 1.3 million users in the country. The Government blocked access to some Web sites during the year.

In March the Ministry of Interior (MOI) issued instructions for monitoring Internet cafes for reasons of security, including the installation of cameras in Internet cafes to monitor users. The new measures require cafe owners to register users' personal data, hand over data about Web sites explored by users, and prevent access to questionable Web sites, as defined by the MOI.

Academic Freedom and Cultural Events.—The Government placed limitations on academic freedom. Members of the academic community claimed that there was an ongoing intelligence presence in academic institutions, including the monitoring of

academic conferences and lectures. Some academics alleged they received threats of dismissal.

On June 2, the IAF director sent a letter to the prime minister complaining about the Government's regular harassment of university professors and their students. The letter claimed that university security and officials routinely detained and questioned students and limited academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, the Government restricted this right.

On July 31, an amended Public Gatherings Law was enacted. It stipulates that organizations do not need approval to hold routine internal meetings and activities but that routine public meetings, including workshops and trainings, still require approval. Governors are not required to provide a legal reason for denial of permission to hold an event, and there is no standard in the law for what constitutes an impermissible public gathering. If an organization fails to apply for permission for an event, its members face imprisonment from one to six months and a fine of up to 3,000 dinars (\$4,200). The response period was shortened from 72 to 48 hours, and if the governor does not issue a response within 48 hours, applicants are entitled to hold the event without legal liability.

Several civil society organizations and political parties accused the Government of being stringent in issuing permits for public gatherings based on political factors rather than security concerns. Governors sometimes denied requests for peaceful demonstrations, political seminars, and civil society gatherings. In some cases, the Government granted approval at the last moment, making it difficult for organizers to plan events.

On at least four occasions during the year, governors rejected Al-Urdun Al-Jadid Research Center's requests for meetings and conferences, including a seminar on economic issues.

On April 12 and on September 8, the Amman governor reportedly denied the IAF permission to stage a protest against the arrest of Egyptian Muslim Brotherhood members and a sit-in against Egyptian policy towards Gaza, respectively, both to be held in front of the Egyptian embassy. On November 14, the Al-Zarqa governor reportedly denied the IAF permission to hold a speech rally.

On June 4, the Balga governor rejected the bar association's request to hold a symposium focused on the constitutionality of a controversial casino deal.

There were no updates regarding the 20 IAF supporters imprisoned during a licensed protest in December 2007.

Freedom of Association.—The constitution provides for the right of association; however, the Government limited this freedom in practice. The law prohibits the use of associations for the benefit of any political organization.

The parliament passed and the King signed, on September 17, a new law governing associations that imposes numerous additional legal restrictions on associations and gives the Government broader powers to intervene in associations' internal affairs. Civil society leaders expressed concern at many of the law's requirements, including increased government oversight and prior approval to receive foreign funding, as many have long depended on international sources for day-to-day operational costs.

The new law centralizes the registry of civil society in the Ministry of Social Development and gives the ministry the right to reject registration applications for any reason. The law introduces significant new oversight powers to the Government over civil society and increases the Government's engagement in any association's internal affairs. It gives the ministry significant controls over the internal management of associations, including the ability to dissolve associations; appoint new boards of directors; send two government representatives to any board meeting; prevent two associations from merging their operations; and appoint an auditor to examine an association's finances for any reason. The law also requires associations to inform the ministry of board meetings, submit all board decisions to the ministry for approval, disclose members' names, and obtain MOI security clearances for board members. The law includes severe penalties, including fines up to 10,000 dinars (\$14,000) and/or three months in jail per violation.

International and domestic NGOs have strongly criticized this new law, which they allege will make it almost impossible for any NGO to maintain its independence.

c. Freedom of Religion.—The constitution provides for freedom to practice the rites of one's religion, provided that religious practices are consistent with "public order and morality"; however, the constitution also restricts freedom of religion in stipulating that Islamic law, which forbids the conversion of Muslims to another religion,

governs Muslim citizens' personal status. The Government also continued to impose some restrictions on religious freedom in practice.

The state religion is Islam, which effectively restricted others' rights, especially in terms of family law. For official recognition, the Government required Christian denominations to have citizens among their constituency and to be recognized by the Middle East Council of Churches. Christian religious leaders stated that the MOI also conducts background investigations of church leaders. The Government did not recognize the Jehovah's Witnesses, the Church of Christ, the Church of Jesus Christ of Latter-day Saints, or the Druze, but each of these denominations conducted most religious services and activities without interference. The Government did not recognize or permit Baha'is to hold religious councils, did not recognize marriages by the Baha'i Assembly, and did not permit Baha'is to register properties or endowments in the name of the Baha'i community. The Government continued to stigmatize the Baha'is by recording "dashes" in the religion field of their national identity cards and categorized Druze as Muslims on these documents. Atheists must associate themselves with a recognized religion for official identification purposes.

In December 2007 the Government required MOI approval for old and existing places of worship, after which several Christian churches reported being ordered to close. Representatives of a few evangelical churches reported that the MOI ordered landlords who previously rented them properties for church services and offices not to renew those leases.

There are no restrictions on collective worship as long as worship practices do not violate the law; however, several religious workers and pastors stated that authorities prevented them from conducting meetings or conferences during the year in hotels or public venues on security grounds.

Public schools provide mandatory religious instruction for all Muslim students during which Christian students are allowed to leave the classroom. Christian students in private and public schools must learn verses from the Koran and Islamic poetry in Arabic and social studies classes in preparation for mid-year and end-of-year exams. The constitution provides that congregations have the right to establish schools for the education of their own communities, "provided that they comply with the general provisions of the law and are subject to government control in matters relating to their curriculums and orientation."

Conversion to Islam is allowed; however, a Muslim may not convert to another religion. Such converts may lose their inheritance, children, spouse, and civil rights. Several converts reported being called in by the GID for repeated interrogations.

Neither the constitution nor the law explicitly prohibits proselytizing; however, the Government restricted efforts to proselytize Muslims. During the year the Government deported, detained, or refused residency renewal to approximately 30 Christian pastors and other religious activists after questioning them about their religious activities with Muslims or converts. Four religious activists were later permitted to reenter the country.

The Government monitors sermons at mosques and requires that preachers refrain from commentary that could, in its view, instigate social or political unrest. Christian activists reported that the GID regularly called them in for questioning regarding their congregation's membership, proselytizing of Muslims, and alleged distribution of Christian literature. Some Christian churchgoers reported the presence of security police at the church door requesting to see identity cards.

Societal Abuses and Discrimination.—Muslims who converted to other religions reportedly faced societal discrimination, threats, and abuse from their families and Muslim religious leaders. Families usually strongly discouraged interfaith romantic relationships, at times ostracizing or, in some cases, committing violence against the couple.

Baha'is also faced societal discrimination, and Iraqi Mandeans residing in the country complained that individuals who did not understand their faith sometimes interfered in their baptismal rituals.

Following a February 4 public statement issued by the Council of Church Leaders in Jordan that accused evangelicals of being "illegitimate" and of creating sectarian strife, some articles critical of evangelicals appeared in the press, which contributed to an acrimonious public climate.

Anti-Semitism in the media was present, and editorial cartoons, articles, and opinion pieces sometimes depicted negative images of Jews without government response. Aside from expatriates, there was no resident Jewish community in the country.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, there were some restrictions. The Government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR), the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and other humanitarian organizations in assisting refugees and asylum seekers.

The law requires that all minors obtain written permission from their father to apply for a passport. Consular officers and activists encountered cases of mothers who reported that they were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country. The GID sometimes withheld passports from citizens for alleged security reasons.

Citizens receive passports that are valid for five years. Some persons of Palestinian origin living in the country were citizens and received passports; however, the Government reported that there were approximately 130,000 Palestinian refugees, mostly of Gazan origin, who did not qualify for citizenship. Approximately half received two-year passports valid for travel but which do not connote citizenship. West Bank residents without other travel documentation are eligible to receive five-year passports that do not connote citizenship.

Numerous human rights activists continued to charge that the Government did not consistently apply citizenship laws, especially in cases in which passports were taken from citizens of Palestinian origin. The Government maintained this policy was in line with its efforts to implement the Government's disengagement from its former claims to the West Bank. However, activists complained that the process was not transparent and that the MOI appeal process was virtually nonexistent. Claimants reported that appeals were not resolved to their satisfaction. The Government asserted that all cases it closed involved persons without valid claims to citizenship or travel documents.

Human rights activists claimed that approximately 10,000 to 12,000 former residents of Palestinian origin remained outside the country, and that the Government refused to renew their passports at embassies overseas.

The law prohibits internal and external forced exile, and the Government did not use forced exile in practice.

Protection of Refugees.—The country is not a party to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol and does not have any national legislation pertaining to the status and treatment of refugees. The Government respected the UNHCR's eligibility determinations regarding asylum seekers, including those who entered the country clandestinely. A 1998 memorandum of understanding between the Government and the UNHCR contains the definition of a refugee, confirms the principle of nonrefoulement, and allows recognized refugees a maximum stay of six months during which period a durable solution must be found. The Government provided protection against the expulsion or forced return of refugees to countries where their lives or freedom would be threatened.

The UNRWA and the Government continued to provide basic services, such as limited health, education, and social services, to Palestinian refugees during the year. At year's end approximately 1.9 million Palestinian refugees were registered with UNRWA.

The Government granted nationality to approximately 700,000 persons displaced from former Jordanian territories during the 1967 war. An additional 120,000 persons displaced during the 1967 war held temporary residency permits. An additional 200,000 Palestinian refugees were also estimated to be living in the country without any direct assistance.

The Government generally recognized UNHCR's requests to grant temporary protection for all Iraqi asylum seekers, including new arrivals, rejected cases, and recognized refugees whose cases had been suspended by resettlement countries. In May the Government began requiring Iraqis to obtain visas before entering the country. According to a May 2007 survey by Norwegian research institute Fafo, an estimated 450,000 to 500,000 Iraqis were living in the country. At year's end the Government was still using this figure in most of its assessments, although some NGOs suggested that the number could be significantly lower. As of November 30, 54,516 Iraqis had registered with UNHCR as refugees or asylum seekers, and most received legal and material assistance from UNHCR and other international and non-governmental humanitarian organizations. The Government provided education and health care services to Iraqis and tolerated the prolonged stay of many Iraqis beyond the expiration of the visit permits under which they entered the country.

The Government did not permit Iraqi refugees to work, except under existing agreements for certain professional fields. Civil society organizations and religious leaders stated that this restriction led to impoverishment of some refugees.

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

The law does not provide citizens the right to change their government peacefully. Citizens have no legal authority to replace the King. They participate in the political system through their elected representatives in the lower house of parliament; however, the King may use his discretion to appoint and dismiss the prime minister, cabinet, and upper house of parliament; dissolve or extend parliament; and establish public policy. The cabinet, based on prime minister's recommendation, appoints the mayors of Amman, Wadi Musa (Petra), and Aqaba, a special economic zone. The mayors of the other 93 municipalities are elected.

After appointment by the King, a prime minister is required to submit his cabinet to a parliamentary vote of confidence, if there is a seated parliament. Executive power is vested in the King (or, in his absence, the regent), who exercises his power through his ministers in accordance with the provisions of the constitution.

The King proposes and dismisses extraordinary sessions of parliament and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when parliament is not in session, it must submit the law to parliament for consideration during the next session; however, such "provisional" laws do not expire and, while technically subject to action by parliament when it returns to session, in practice remain in force without legislative approval.

Elections and Political Participation.—In July 2007 nationwide multiparty municipal elections were held. Domestic civil society organizations and the opposition IAF alleged a number of election irregularities, including exploiting armed forces personnel to vote en masse for progovernment candidates. There were no local or international observers present.

In November 2007 multiparty parliamentary elections were held. The Government permitted 150 local observers under the umbrella of the NCHR to monitor the elections and granted them full access inside polling stations. The NCHR and other local observers alleged a number of irregularities, including vote buying, multiple voting, and transfer of votes.

The Government routinely licensed political parties and other associations but prohibited membership in unlicensed political parties. The High Court of Justice may dissolve a party if it violates the constitution or the law. A 2007 Political Parties Law stipulated that a political party must have a minimum of 500 founding members from five governorates, causing 17 of the 36 existing parties to dissolve themselves or became legally defunct in 2007. The law also created a mechanism for public financing of political parties. Opposition parties, including dissolved parties, complained that the law was unconstitutional and obstructed political dynamism. Political parties, NGOs, and independent candidates found the registration requirements, restrictions, and processes to be onerous and costly. Additionally, parties criticized the GID's new annual screening process of founding members. However, NGOs and political analysts largely agreed that the law did not fundamentally change the political system, citing the historic lack of support for political parties and the fact that only small parties with few members were dissolved.

The electoral law leads to significant underrepresentation in urban areas. For instance, Amman's second district has more than 200,000 constituents and was granted four representatives, while Karak's sixth district has approximately 7,000 constituents and was granted three representatives. Analysts considered electoral districting unfair, claiming it was intended to reduce the representation of areas heavily populated by citizens of Palestinian origin and because of a lack of balance between the population and the number of seats per district. The law allows voters to choose one candidate in multiple-seat districts. In the largely tribal society, citizens tended to cast their vote for members of the same tribe.

Citizens of Palestinian origin, estimated to be more than half of the total population, are underrepresented at all levels of government.

The election law reserves nine lower house seats for Christians and three for either the Circassian or Chechen ethnic minorities. No seats were reserved for the relatively small Druze population, but they were permitted to hold office under their government classification as Muslims. The law also stipulates that the non-Christian and Circassian/Chechen seats must be held by Muslims. In November 2007 King Abdullah appointed four Christians to serve in the upper house. Christians served regularly as cabinet ministers. The Government traditionally reserves some positions in the upper levels of the military for Christians (4 percent); however, Muslims held all senior command positions.

Women have the right to vote. Seven women serve in the Senate, seven in the Chamber of Deputies (six seats are reserved for them), four in the cabinet, and one as governor. The law provides a 20 percent quota for women in municipal council seats. The MOJ established a minimum membership quota of 15 percent for women in the Judicial Institute of Jordan; such membership is a prerequisite to becoming a judge.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government increased investigations of alleged corruption; however, there were few convictions for corruption during the year, raising criticisms that officials enjoyed impunity. The use of family, business, and other personal connections to advance personal business interests was widespread; allegations of lack of transparency in government procurement and dispute settlement remained.

On June 1, the Audit Bureau released its annual report to the public, which noted that the bureau prosecuted 48 cases of violations of handling public money totaling 1.06 million dinars (approximately \$1.5 million). Judgments were issued in 16 of the cases, and the Government reclaimed approximately 43,000 dinars (\$61,000). The remaining cases were pending further court action or were in settlement talks at year's end.

On June 3, the Anticorruption Commission announced that it referred its first 21 cases to the courts for prosecution. The cases dealt with fraud, misuse of public office, forgery, bribery, and embezzlement and reportedly resulted from over 200 complaints that were investigated. Some commentators questioned the commission's independence and effectiveness. In 2007 two members of the commission resigned over allegations of corruption. Individuals who submit baseless claims to the commission may be subject to civil and criminal prosecution.

The law requires certain government officials to declare their assets privately to be reviewed by the chief justice in the event of a complaint. On May 16, three days after a one-month grace period for reporting ended, the Government stated that 2,863 of 3,600 officials had complied with the law. Subsequently, 246 officials complied after receiving court notices and 150 of the remaining cases were forwarded to prosecutors for legal action. Under the law, a failure to submit disclosures could result in prison from a week to three years or fines from five to 200 dinars (\$7 to \$280). At year's end officials failing to submit a disclosure had not been punished.

The law provides for public access to government information once it becomes a matter of legal record but allows requests to be denied for reasons of "national security, public health, and personal freedoms." Journalists criticized the law, claiming that it permits the Government to deny requests without justification. In a Higher Media Council survey released on July 21, nearly half of the journalists surveyed reported difficulty accessing information or had requests denied outright.

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

Domestic and international human rights groups operated with some restrictions, publicly investigating and reporting allegations of human rights abuses throughout the year; however, the organizations often claimed that the Government did not rectify the problems they identified. Major local human rights observers included the government-funded NCHR and several independent organizations: the MIZAN Law Group for Human Rights, the Amman Centre for Human Rights Studies, the AOHR, the CDFJ, and the Adaleh Center for Human Rights Studies. The new law on associations introduces new oversight powers to the Government over civil society and increases the Government's role in any association's internal affairs.

The Government generally cooperated with international NGOs, the UN, and other international governmental organizations; however, some observers said they were unable to meet with security detainees held incommunicado.

The Government provided the NCHR most of its funding, which other local human rights groups complained unduly influenced the organization; however, the NCHR's reporting was regarded as objective and critical. The NCHR commissioner general and chairman of the board are appointed based on the prime minister's recommendation. On March 23, the NCHR issued its fourth annual report on the state of human rights in 2007, highlighting as negative developments the Crime Prevention Law; excessive use of administrative detention; withdrawal of Jordanian passports and ID cards; regression of workers' rights, especially those of migrant domestic workers; recession in democratic and political development as evidenced by both the municipal and parliamentary elections; and worsening conditions of child labor.

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

The constitution does not prohibit discrimination on the basis of race, disability, language, or social status; however, the law prohibits some types of discrimination. The law treats women unequally, and minorities faced discrimination in employment, housing, and other areas.

Women.—Violence and abuse against women continued, including widespread domestic violence, numerous honor crimes, and spousal rape. In rural areas violence against women was reported more frequently than in major cities; however, women's rights activists speculated that many incidents in cities went unreported.

The law stipulates a sentence of not less than ten years' imprisonment with hard labor for rape of a girl or woman 15 years of age or older. Spousal rape is not illegal. The PSD Family Protection Unit (FPU) treated and investigated 507 cases of sexual assault from January until August 31.

Women may file a complaint in court against their spouses for physical abuse; however, in practice familial and societal pressures discouraged them from seeking legal remedies. From January to August 31, the FPU forwarded 539 complaints of domestic violence for prosecution. Spousal abuse is technically grounds for divorce, but husbands may seek to claim religious authority to strike their wives. In January the Chamber of Deputies endorsed the Family Protection Law, which gave the FPU jurisdiction to handle cases of domestic violence and included protection order provisions with penalties of up to six months in prison.

Cultural norms continued to discourage victims of domestic violence from seeking medical or legal assistance. The government-run shelter, Dar al-Wafaq, assisted approximately 500 victims of domestic abuse and provides reconciliation and counseling services to victims and their families. The FPU domestic violence hotline received 2,307 calls during the year. The NGO Jordanian Women's Union also maintained a telephone hotline for victims of domestic violence and sheltered abuse victims.

During the year authorities prosecuted 16 reported instances of honor crimes that resulted in death of the victim, although activists reported that numerous additional unreported cases likely occurred. A November 2007 UN Development Fund for Women study stated that 25 percent of honor crime victims in the country were killed merely because of their suspected involvement in an illicit relationship, while 15 percent were killed after such a relationship was allegedly proven. Although maximum sentences for first- and second-degree murder were death and 15 years' imprisonment, respectively, the court usually found perpetrators of honor killings guilty of a "crime of passion," which merited a maximum sentence of three years. While defendants were almost universally found guilty, they often received token sentences of no more than six months.

After the King's November 9 call for harsher punishments for individuals convicted of harming women and children, two men in separate cases received prison sentences of seven and one-half years for honor-related crimes. No legislative changes were made, however, in line with these comments, and there was no indication that the King's view had been incorporated into long-term judicial policy. On December 1, a criminal court sentenced the men, both of whom said they murdered their female relatives for tainting their family's honor. In one case, a man shot his niece in August 2007 because she refused to divorce a man she had sex with before they were married. In the other case, the man strangled his 16-year-old sister in January because she disappeared for three days after a quarrel with her husband and refused to tell her brother where she had been.

On March 7, a man reportedly shot and killed his 23-year-old sister after he found her walking in a forested area at 1 a.m. with a houseguest in Azraq. The criminal prosecutor charged the brother on March 10 with premeditated murder and two others in complicity with the murder. The case was ongoing at year's end.

The case of the man who shot and killed his daughter in 2007 after forcing her to undergo an abortion for a pregnancy out of wedlock was ongoing at year's end.

The police regularly placed potential victims of honor crimes in involuntary protective custody in Jweideh Correctional and Rehabilitation Center, a detention facility where some have remained for more than 20 years. A human rights organization estimated that at year's end more than 20 women were in protective custody. One NGO continued to work with the Government to provide a temporary but unofficial shelter where the women could live in relative anonymity as an alternate to protective custody.

Prostitution is illegal, but it occurred.

According to the law, sexual harassment is strictly prohibited. The law does not make a distinction between sexual assault and sexual harassment; both carry a minimum prison sentence of four years with hard labor. Women's groups state that

harassment is common but that victims are often hesitant to file a complaint and rarely do so.

Women experienced legal discrimination in pension and social security benefits, inheritance, divorce, ability to travel, child custody, citizenship, and in certain limited circumstances, the value of their Shari'a court testimony.

Under Shari'a as applied in the country, female heirs receive half the amount that male heirs receive, and non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. The existing temporary divorce law allows women to seek divorces and retain their financial rights only under specific circumstances, such as spousal abuse. In these cases the woman has the burden of proof. Special courts for each denomination adjudicate marriage and divorce matters for Christians.

The Government provided men with more generous social security benefits than women. The Government continued pension payments of deceased male civil servants but discontinued payments of deceased female civil servants to their heirs. Laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Women activists complain that the law granting women equal pay for equal work was not consistently enforced. Many women stated that traditional social pressures discouraged them from pursuing professional careers, especially after marriage. During the year the unemployment rate for women was 23.6 percent, compared to 12 percent for the country as a whole.

The law states that women have the right to obtain passports without the written permission of their husbands, although in practice the husband's permission is often required. Married women do not have the legal right to transmit citizenship to their children; however, female citizens married to noncitizen men can pass citizenship to their children upon the permission of the Council of Ministers. In practice this permission was usually granted, except in cases where the father was of Palestinian origin. Women may not petition for citizenship for their noncitizen husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residency. Once the husbands have obtained citizenship, they may apply to transmit citizenship to their children. However, in practice such an application may take years, and in many cases citizenship may be denied to the husband and children. Such children become stateless and, if they do not hold legal residency, lose the right to attend public school or seek other government services.

Children.—Education is compulsory from ages six through 16 and free until age 18; however, no legislation exists to enforce the law or punish guardians for violating it.

During the year authorities received and investigated complaints of physical abuse and sexual abuse of children. The law specifies punishment for abuses against children; for example, conviction for rape of a child less than 15 years of age potentially carries the death penalty. The current minimum age for marriage is 18 years. However, with the consent of a judge and a guardian, children as young as 15, in most cases girls, may be married. The National Council for Family Affairs' July report stated that current legislation does not provide sufficient protection from abuse to women or children, specifically citing the legal authorization for parents to discipline their children using force. The Government continued to fund a child protection center that provided temporary shelter, medical care, and rehabilitation for abused children age six to 12. From January to August 31, the FPU handled 353 cases of child abuse, of which 320 were sexual assaults.

In January the Chamber of Deputies endorsed the Family Protection Law, which covers violence against children and gave the FPU jurisdiction over child abuse cases.

Trafficking in Persons.—The law does not specifically prohibit all forms of trafficking in persons, but the Government prohibits trafficking in children. Other statutes governing kidnapping, assault, rape, and fraud may be used to prosecute trafficking offenses, including withholding of passports and non-payment of wages. International and local observers assess that the trafficking of domestic workers remains a serious problem.

The country was a destination and transit point for men and women from South and Southeast Asia trafficked for forced labor, as well as a destination for women from Eastern Europe and Morocco for prostitution. Women from countries including Sri Lanka, Indonesia, and the Philippines migrated to work as domestic servants, but some were subjected to conditions of forced labor, such as withholding of pass-

ports, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Some Chinese, Bangladeshi, Indian, Sri Lankan, and Vietnamese men and women encountered conditions similar to forced labor in some factories in Qualifying Industrial Zones (QIZs), including unlawful withholding of passports, nonpayment of wages and overtime, and physical abuse. However, reports of forced labor conditions in QIZs substantially decreased from previous years. Foreign workers in the QIZs and domestic workers were generally recruited by registered recruitment agencies that worked with agencies in source countries.

Authorities may utilize laws prohibiting slavery, kidnapping, withholding of passports, and other crimes to prosecute offenders, with penalties of up to three years' imprisonment. As of October 31, the Government investigated and forwarded 19 cases for prosecution involving forced labor offenses. In July the Government amended the labor law to extend protections over domestic and agriculture laborers; however, at year's end implementing regulations had not been enacted. A separate amendment added penalties for forced labor and sexual assault of employees, including a fine of up to 1,000 dinars (\$1,400) for threatening or coercing a person to work, including withholding passports.

The Government provided no formal protective services for victims of trafficking; however, a few local NGOs and embassies offered limited services. Some foreign workers who fled from abusive employers or faced sexual assault were falsely charged with crimes by their employer or put into "protective custody." To varying degrees, source country embassies operated their own shelters for domestic workers fleeing their employers. In July the Ministry of Labor (MOL) created a humanitarian and legal assistance fund to assist migrant workers, especially victims of trafficking.

The MOL continued antitrafficking efforts, including participation in a forced labor and trafficking awareness campaign in QIZs, distribution of a guidebook for domestic workers on their rights, and operation of a multilanguage abuse prevention hotline.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law provides equal rights to persons with disabilities, who numbered around 200,000, according to government estimates, although UN estimates placed the number closer to 500,000. Access to education and other services in rural areas for persons with disabilities was widely reported by citizens and NGOs as a problem. The Special Buildings Code Department is tasked to enforce accessibility provisions and oversees retrofitting of existing buildings to comply with building codes; however, many private and public office buildings continued to have limited or no access for persons with disabilities.

The law mandates that public and private sector establishments between 25 and 50 workers employ one disabled person, and establishments over 50 workers must reserve 4 percent of their positions for persons with disabilities; however, the NCHR received some complaints from disabled persons regarding employers who discriminated against them on the grounds of disability. High unemployment restricted job opportunities for persons with disabilities. The Government provided monetary assistance to citizens with severe mental and multiple physical disabilities whose families earned less than 250 dinars (\$350) per month.

National/Ethnic/Racial Minorities.—There were three groups of Palestinians residing in the country, many of whom faced some discrimination. Those who migrated to the country and the Jordan-controlled West Bank after the 1948 Arab-Israeli war were given full citizenship, as were those who migrated to the country after the 1967 war and hold no residency entitlement in the West Bank. Those still residing in the West Bank after 1967 were no longer eligible to claim full citizenship but were allowed to obtain temporary passports without national numbers, provided they did not also carry a Palestinian Authority travel document. Refugees who fled Gaza after 1967 were not entitled to citizenship and were issued temporary passports without national numbers.

Several human rights activists maintained that despite the codified passport issuance procedures, MOI employees revoked national numbers of many citizens of Palestinian origin. Individuals claimed that their temporary passports were confiscated after spending time in the West Bank. Palestinians were underrepresented in parliament and appointments to many senior positions in the Government and the military, as well as in admittance to public universities, and had limited access to university scholarships.

During the year there were reports of societal discrimination against Iraqis living in the country. Some employers reportedly refused to pay or underpaid Iraqis working illegally, and some landlords reportedly would not rent or sell to Iraqis.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals existed. There were reports of individuals leaving the country out of fear they would be harmed by their family for being homosexual.

On October 23, security forces arrested for “lewd acts” four homosexuals in a park in West Amman following a set-up by the police. Amman governor Sa’ad Al-Manaseer placed them in solitary confinement in Jweidah prison without bail. They were released after guaranteeing they would not carry out any such acts in the future.

HIV/AIDS was a largely taboo subject, and public awareness was limited. Many citizens assumed the disease was a problem exclusively of foreigners due to government requirements that foreigners be tested for HIV annually. Foreigners who tested HIV positive were deported.

Section 6. Worker Rights

a. The Right of Association.—The law provides citizens working in the private sector, in some government-owned companies, and in certain professions in the public sector the right to form and join unions, and in practice this right was respected. According to official figures, more than 10 percent of the workforce was organized into 17 unions. The law limits membership to citizens, effectively excluding the country’s more than 200,000 registered foreign workers from union membership. Some unions represented the interests of foreign workers informally; for instance, the textile union provided medical and legal services to migrant workers in textile factories in addition to citizens.

Government involvement in union activities continued to occur. For example, the Government required unions to register and to be members of the General Federation of Jordanian Trade Unions (GFJTU), the sole trade union federation. The Government subsidized and audited the GFJTU’s salaries and activities, and it monitored union elections in the event of a complaint to ensure compliance with the law. In recent election cycles, when the number of candidates exceeded the number of seats, the Government allegedly persuaded some candidates to withdraw.

Workers have the right to strike under certain conditions. The law mandates that workers must give the employer and government, at a minimum, 14 days’ notice of a strike. Strikes are prohibited if a labor dispute is under mediation or arbitration.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain collectively, and in practice the Government respected this right. The constitution prohibits antiunion discrimination, and the MOL received no complaints of antiunion discrimination during the year.

Nearly 75 percent of the workers in the QIZs were noncitizens and thus were not permitted to form or participate in unions or to engage in collective bargaining.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, except in a state of emergency such as war or natural disaster; however, there were reports of forced labor, particularly of domestic workers and foreign workers in QIZs, during the year (See Section 5). In July the labor law was amended to include fines for practices related to forced labor, including withholding of passports, ranging from 500 to 1,000 dinars (\$700 to \$1,400). The law does not specifically prohibit forced or compulsory labor by children, and such practices were known to occur.

During the year allegations of forced labor decreased substantially due to more rigorous MOL inspections. The MOL regularly investigated such allegations, required violators to pay fines when appropriate, publicized the outcomes of their findings, and forwarded 19 cases related to trafficking of QIZ or domestic workers to the courts for criminal prosecution.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law forbids employment for children under the age of 16, except as apprentices; however, there were reports of child labor. Children worked as street vendors, carpenters, blacksmiths, and painters in Amman, Zarqa, and Irbid, and in agriculture throughout the country. In April the NCHR estimated there were approximately 50,000 working children between the ages of five and 17 in the country.

Children under the age of 18 may not work for more than six hours continuously between the hours of 8 p.m. and 6 a.m., or during weekends, religious celebrations, or national holidays. Children under 18 may not work in hazardous occupations. The law provides that employers who hire a child under the age of 16 must pay a fine of up to 500 dinars (approximately \$700), which is doubled if the offense is repeated.

A 2007 MOL study estimated that 13 percent of working children in the country were subject to forced labor and 16 percent earn 50 dinars (\$70) or less per month.

The study stated that heavy machinery, noise pollution, poor lighting, and exposure to chemicals were common risks faced by working children.

The MOL's Child Labor Unit coordinates government action regarding child labor and is tasked to receive, investigate, and address child labor complaints; however, no complaints had been received by year's end, as Article 77 of the Labor Law, which sets penalties regarding the illegal recruitment of children, was not enforced. The Government provided limited training on child labor, including identification, to the 140 MOL inspectors responsible for enforcing the relevant laws. Labor inspectors have issued fines for child labor violations but state they often attempt alternative approaches first, such as removal from hazardous conditions or attendance in nonformal education.

e. Acceptable Conditions of Work.—The national minimum wage was 110 dinars (\$154) per month, which did not provide a decent standard of living for a worker and family. MOL inspectors enforced the minimum wage but due to limited resources were unable to ensure full compliance.

In some cases, the law requires overtime pay for hours worked in excess of the 48-hour standard workweek. Compulsory overtime is prohibited, but the law allows the employer to require the employee to work more than 48 hours a week for specific purposes such as carrying out annual inventory, closing accounts, preparing to sell goods at discounted prices, avoiding loss to goods that would otherwise be exposed to damage, and receiving special deliveries. In such cases, the actual working hours may not exceed 10 hours per day, the employee must be paid overtime, and the period may not last more than 30 days. Employees were entitled to one day off per week.

The law specifies a number of health and safety requirements for workers, which the MOL is authorized to enforce. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs. Foreign workers were more susceptible to dangerous or unfair conditions. Some foreign workers suffered from abusive labor practices in factories, although allegations decreased substantially following more rigorous inspection efforts. MOL inspections identified problems at certain factories regarding delayed or non-payment of wages, excessive or forced overtime, withholding identity or travel documents, non-contractual deductions for food and shelter, and physical abuse of workers. In such cases, MOL issued warnings and fines and closed some factories.

Abuse of foreign domestic servants reportedly continued, although it was not thoroughly documented. Employers allegedly routinely limited their domestic employees' freedom of movement, failed to pay full wages, did not allow them a day off, imposed isolation and excessively long working hours, and often confiscated identity or travel documents. In July the MOL created a fund to provide support to victims of labor abuses. The fund may be used to provide humanitarian assistance and to pay the legal fees for victims filing criminal or libel cases against their employers. In September the fund paid for the repatriations of 38 Bangladeshi workers when their factory closed without notice.

KUWAIT

Kuwait is a constitutional, hereditary Emirate ruled by the Al-Sabah family with a population of 3.39 million, of which 1.3 million are citizens. Although there were reports of vote buying by the Government and certain candidates in the May 17 parliamentary election, local observers and the press considered the election generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government limited citizens' right to change their government and form political parties. There were reports that security forces abused prisoners and detainees, and the Government did not make public any investigations or prosecutions of perpetrators. The Government limited freedoms of speech, press, religion, and movement for certain groups. Government corruption and trafficking in persons remained problems. The status of stateless Arab residents (called "Bidoon") remained unresolved. Women did not enjoy equal rights, and expatriate workers faced difficult conditions in the domestic and unskilled service sectors.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the two 2006 cases of nonnationals who died in police custody.

b. Disappearance.—There were no politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, some police and members of the security forces reportedly abused detainees during the year. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, and there were several reported accounts of police abuse of transgendered persons. The Government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases the Government did not make public either the findings of its investigations or any punishments it imposed.

On March 14, according to Human Rights Watch, police arrested two transgendered persons at a checkpoint, made them take off their men's hats and jackets, and hit them on their faces as they stood in their female clothing. Authorities allegedly held them for five days and shaved their heads before releasing them.

On July 28, security officials allegedly abused hundreds of Bangladeshi workers on strike. Security officials reportedly imprisoned and beat the workers for five days before forcibly deporting them to Bangladesh.

There were no further developments in the December 2007 cases of reported physical and psychological abuse of five transgendered women in Tahla prison. However, after they reported abuse by other inmates, the director of the prison separated them from the general population.

Prison and Detention Center Conditions.—Prison and detention center conditions varied. Some were poor, with inadequate sanitation and lack of sufficient medical staff. Authorities reportedly mistreated prisoners and failed to prevent inmate-to-inmate violence.

A new men's prison building that met all international standards opened in 2006, reducing previously severe overcrowding.

On September 30, the parliamentary Human Rights Committee reported that Talha Prison was no longer suitable for inmates and stressed the need to renovate the dilapidated building.

The Government permitted visits by independent human rights observers. During the year the International Committee of the Red Cross carried out several visits to the Central Prison, both the men's and women's wards. It also visited temporary jails at police stations. The local nongovernmental organization (NGO) Kuwait Human Rights Society (KHRS) visited the women's ward at the Central Prison during the year, in addition to several temporary jails at police stations.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, although police sometimes arbitrarily arrested nonnationals.

Role of the Police and Security Apparatus.—The police have sole responsibility for the enforcement of laws not related to national security. Kuwait State Security oversees intelligence and national security-related matters. Both are under the purview of civilian MOI authorities. The military is responsible for external security.

The police were generally effective in carrying out core responsibilities; however, there were frequent reports of corruption, especially when one party to a dispute had a personal relationship with a police official involved in a case. There were also reports that some police stations did not take the requests of complainants, especially foreigners, seriously and obstructed their access to the justice system.

In cases of alleged police abuse, the district chief investigator examines abuse allegations and refers worthy cases to the courts for trial. Unlike in the past, no security officials were relieved of their duties as a result of credible allegations of abuse of detainees during interrogation.

Arrest and Detention.—Police officers generally must obtain an arrest warrant from state prosecutors or a judge before making an arrest, except in cases of hot pursuit. There were credible reports of police arresting and detaining foreigners without a warrant during the year. However, the courts generally do not accept cases without warrants issued prior to arrests. According to the penal code, suspected criminals may be held at a police station for up to four days without charge, during which authorities may prevent lawyers and family members from visiting them. In such cases lawyers are permitted to attend legal proceedings but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial. There is a functioning bail

system for defendants awaiting trial. The bar association provided lawyers for indigent defendants.

Of the approximately 3,500 persons serving sentences or detained pending trial, approximately 150 were held in the "state security ward" on security grounds, including some held for collaborating with Iraq during the 1990–91 occupation. Arbitrarily lengthy detention before trial was a problem, and approximately 10 percent of the prison population consisted of pretrial detainees.

During the year foreigners at the deportation facility in Shuwaikh were incarcerated, on average, between 10 days and two months awaiting deportation. Some were held there for much longer periods, often due to delays in the court system or bureaucracy.

Amnesty.—On February 28, the Emir issued an amnesty that freed 380 prisoners, reduced sentences for 703 prisoners, and canceled deportation orders for 127 foreigners.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary and the right to a fair trial and states that "judges shall not be subject to any authority"; however, the Emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, many judges are noncitizens who hold one- to three-year renewable contracts. The Ministry of Justice (MOJ) may remove judges for cause but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed bias in favor of citizens.

The secular court system tries both civil and criminal cases, all of which originate with the Court of First Instance, composed of a three-judge panel. Both defendants and plaintiffs may appeal a verdict to the High Court of Appeals, with a three-judge panel, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. These decisions may be presented to the Court of Cassation, where five judges review the cases to determine only whether the law was applied properly. The Emir has the constitutional authority to pardon or commute all sentences.

Sunni and Shia Shari'a (Islamic law) courts have jurisdiction over family law cases for Muslims. Secular courts allow anyone to testify and consider male and female testimony equally; however, in the family courts the testimony of a man is equal to that of two women.

The Constitutional Court, whose members are senior judges from the civil judiciary, has the authority to issue binding rulings concerning the constitutionality of laws and regulations and also rules on election disputes.

The martial court convenes in the event the Emir declares martial law. The law does not specifically provide for a military court or provide any guidelines for how such a court would operate. The military operates tribunals that can impose punishments for offenses within the military.

Trial Procedures.—By law criminal trials are public unless a court or the Government decides that "maintenance of public order" or "preservation of public morals" necessitates closed proceedings. There is no trial by jury. Defendants enjoy a presumption of innocence and have the right to confront their accusers and appeal verdicts. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The bar association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases, and defendants utilized these services. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. The law affords these protections to all citizens.

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

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, enforcement of rulings was a significant problem. Administrative punishments, such as travel bans, are also available in civil matters.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for individual privacy and the sanctity of the home, and the Government generally respected these rights in practice. Security forces occasionally monitored individuals' private communications and activities.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the military to obtain government approval to marry foreign nationals. In practice the Government offered only nonbinding advice in such matters.

When a Bidoon resident applies for citizenship, the Government considers security or criminal violations committed by his or her family members as a barrier to that resident getting citizenship.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and the press “in accordance with the conditions and in the circumstances defined by law.” In practice the Government sometimes did not respect these rights. Journalists and publishers practiced self-censorship.

Individuals were able to criticize the Government freely in private and informal gatherings and in public gatherings as long as they did not attack Islam, the Emir, or the crown prince. Pointed criticism of ministers and other high-ranking government officials was widespread, and individuals were not subjected to punishments as a result.

The country had 14 Arabic and three English-language daily newspapers, all of which were privately owned. Print media generally exhibited independence and diversity of opinion, although there were reports that they practiced self-censorship at times in order to avoid unnecessary conflict with the Government. The Government continued its September 2007 ban on the import and circulation of several Egyptian newspapers. The Government owned nine local radio and four television stations, and there were 11 privately owned television stations. A private satellite television news channel, Al-Rai, was affiliated with its sister newspaper of the same name.

The law prohibited the publication of material criticizing Islam, the Emir, the constitution, or the neutrality of the courts or public prosecutor’s office. The law also mandates jail terms for journalists who “defame religion,” and any Muslim citizen may file criminal charges against an author the citizen believes has defamed Islam, the ruling family, or public morals. Citizens often filed such charges for political reasons.

On May 28, according to Reporters Without Borders, a court ordered Fuad al-Hashem of the daily Al-Watan to pay 7,190 dinars (approximately \$25,000) for defamation as a result of three cases brought by the Qatari prime minister, who accused Al-Hashem of harming his reputation in articles dealing with his relations with Israel. At year’s end there was no information as to whether al-Hashem had paid the fine.

On November 11, the Court of Cassation sentenced the person who posted a comment insulting the Emir on Bashar Al-Sayegh’s Web site in 2007 to two years in prison. Al-Sayegh himself was acquitted of any charges on February 2.

The MOI censored all books, films, periodicals, videotapes, and other imported publications deemed morally offensive, although satellite dishes were widely available and allowed some citizens to receive unfiltered media. The MOI controlled the publication and distribution of all informational materials.

The law requires newspaper publishers to obtain an operating license from the MOI. Publishers may lose their license if their publications do not appear for three months in the case of a daily newspaper, or six months in the case of a less-frequent publication.

Internet Freedom.—There were approximately 900,000 users of the Internet in the country. The Government monitored Internet communications, such as blogs and discussion groups, for defamation and security reasons. The Ministry of Communications (MOC) continued to block Web sites deemed to “incite terrorism and instability” and required Internet service providers to block other Web sites, some political. Internet cafe owners were obligated to obtain the names and civil identification numbers of customers and to submit the information to the MOC upon request.

Academic Freedom and Cultural Events.—The law provides for freedom of opinion and of research; however, academic freedom was limited by self-censorship, and the law prohibited academics from criticizing the Emir or Islam.

The MOI reserved the right to approve or reject public events and rejected those it deemed politically or morally inappropriate. The ministry reported that it rejected many applications for events but did not release the names of these events. Some hotels and performance halls reported increased hesitation to host musical functions because of what they perceived as a rise in the power of cultural conservatives. For example, on August 24, conservative members of parliament reportedly chided and demanded the punishment of a hotel owner and party organizers for sponsoring a mixed-gender dance. On August 27, the ministry referred the owner of the hotel to the Commercial Attorney’s Office for investigation. There were no updates in the case at year’s end.

The MOI censored films based on objectionable content such as extreme violence, profanity, and all intimacy between genders.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected the right in practice. Organizers of public gatherings of more than 20 persons must inform the MOI of their plans.

The law also protects “diwanis” (informal weekly social and political gatherings). Many adult male citizens, including members of the Government and of the National Assembly, and increasing numbers of female citizens, hosted or attended diwanis to discuss current economic, political, and social issues. Women held diwanis of their own, but such diwanis were uncommon; a few diwanis were open to both sexes.

Freedom of Association.—The law provides for freedom of association; however, the Government restricted this right in practice. The law prohibits officially licensed groups from engaging in political activities.

The Government used its power to license associations as a means of political control. There were 73 officially licensed NGOs in the country, including a bar association, professional groups, and scientific bodies. The Ministry of Social Affairs and Labor (MOSAL) did not license any new NGOs during the year, compared with one licensing the previous year and seven the year before. At year’s end there were 149 NGOs pending licensing by the MOSAL; many have been waiting years for approval.

The 45 NGOs licensed prior to 2004 continued to receive an annual government subsidy of 12,000 dinars (approximately \$41,000) for their operating expenses, including travel to international conferences. NGOs licensed since 2004, when the MOSAL began issuing licenses after a long period of refusing to do so, do not receive financial assistance. The MOSAL rejected some license requests on the grounds that established NGOs already provided services similar to those proposed by the petitioners. The MOSAL also can reject an NGO’s application if it deems that the NGO does not provide a public service. The minister has discretion to change a proposed NGO’s name prior to licensing and sometimes did so on the grounds that the name was too close to that of an already existing NGO. Members of licensed NGOs must obtain permission from the MOSAL to attend international conferences as official representatives of their NGO.

There were many unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations did not receive government subsidies and had no legal status.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the Government limited this right. The constitution protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The constitution declares that Islam is the state religion and that Shari’a is “a main source of legislation.”

Non-Muslim religious groups unanimously reported that freedom of belief is respected, but non-Muslim religious organizations had more difficulty operating. The Government did not recognize some Christian churches, and they could not operate openly. Some recognized churches found quotas on clergy and staff visas burdensome. Shia faced some disadvantages in comparison with Sunnis.

Members of religions not sanctioned in the Koran, such as Baha’is, Buddhists, Hindus, and Sikhs, may not operate official places of worship, but they were allowed to worship in their homes without government interference. There is no specific law banning the establishment of other non-Muslim places of worship; however, in practice the Government denied permission to the few groups that applied for licenses to build new places of worship, deterring some religious groups applying.

Islamic religious instruction is mandatory in all government schools and in any private school that has one or more Muslim students. The law prohibits organized religious education other than Islam; however, in practice the Government allowed non-Muslim religious instruction as long as no Muslim students were taking part in the education. The Government did not interfere with religious instruction inside private homes.

Muslims who wished to convert from Islam to another religion faced intense societal pressure and generally had to hide their new religious affiliation. The law prohibits naturalization of non-Muslims and forbids marriage between Muslim women and non-Muslim men; these prohibitions effectively coerced individuals to convert to Islam.

The Government prohibited non-Muslim missionaries from proselytizing to Muslims, although they may serve non-Muslim congregations. The Islamic Presentation

Committee, under the authority of the Ministry of Awqaf and Islamic Affairs, actively proselytized to non-Muslims.

The Government does not permit the establishment of non-Islamic religious publishing companies, and only one private company had an import license for non-Muslim religious materials.

Societal Abuses and Discrimination.—While discrimination based on religion reportedly occurred on a personal level, most observers agreed it was not widespread.

Parliamentarians, the media, and mosque leaders engaged in anti-Jewish rhetoric during the year. On August 31, a columnist for Al-Watan daily, Dr. Ahmad Al-Duaij, wrote an article questioning the veracity of the Holocaust and describing Jews as “diabolical.” There were no known Jewish citizens and very few expatriate workers.

The Ministry of Awqaf and Islamic Affairs (MAIA) continued to promote its “moderation” project, which aimed to discourage extremism among Muslims and improve the image of Muslims among non-Muslims.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution generally provides for freedom of movement within the country; however, there are numerous laws constraining foreign travel, and the Government placed some limits on freedom of movement in practice. The Government did not cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

During the year some laborers claimed that they were not allowed to leave the residential camps where they lived.

Women, persons under 21 years of age, and Bidoon faced problems with, or restrictions on, foreign travel. While not sanctioned by law, MOI regulations mandate that all persons under 21 years of age obtain permission from their father or another male relative to receive a passport and travel abroad and that married women obtain their husband’s permission to apply for a passport. Further, a husband may request that immigration authorities prevent his wife’s departure from the country for 24 hours, after which a court order may extend the travel ban. The Government severely restricted the ability of the Bidoon population to travel abroad; however, it permitted some Bidoon to travel to Saudi Arabia for the annual hajj.

The law also permits the Government to place a travel ban on any citizen or foreigner accused or suspected of violating the law, and it allows citizens to petition authorities to do so. In practice this resulted in citizens and foreigners arbitrarily being prevented or delayed from departing the country.

The law prohibits the deportation or forced exile of citizens, although the Government can revoke citizenship for various causes including felony conviction and subsequently deport individuals. On November 4, the Council of Ministers issued a decision to revoke Kuwaiti citizenship from five individuals whom they deemed ineligible for citizenship. Although the Government formed a committee to investigate the cases, there was no update at year’s end.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, neither of which the country has signed. There is no system for providing protection to refugees, and the Government did not grant refugee status or asylum during the year. In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened, and the constitution prohibits the extradition of political refugees; however, the Government often kept such persons in detention until they agreed to return or made alternative travel arrangements, and it rarely granted them permission to live and work in the country.

Stateless Persons.—According to Refugees International, citizenship is derived entirely from the father; children born to citizen mothers and non-national fathers do not inherit citizenship unless the mother is divorced or widowed. The law further fails to provide non-nationals, including Bidoon and non-Muslims, the opportunity to gain nationality on a nondiscriminatory basis.

Although the exact number of Bidoon residents was unknown, the Ministry of Planning estimated there were more than 100,000 Bidoon in the country at the end of 2006. The Government continued to discriminate against the Bidoon in areas such as education, employment, medical care, and freedom of movement. Bidoon children may not attend public schools. Although the Government accepted Bidoon

in an increasing number of government positions, it barred Bidoon from enlisting in the armed forces. Bidoon generally did not qualify for the subsidized health care that citizens received, and the Government also made it difficult for Bidoon to obtain official documents necessary for employment or travel, such as birth certificates, civil identification cards, driving licenses, and marriage certificates.

The Government continued to grant citizenship to a small number of Bidoon. During the year it granted citizenship to 573 Bidoon on the basis of sufficient ties to the country; however, more than 80,000 citizenship requests were pending at year's end. Many Bidoon were unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they were truly stateless. However, the Government maintained that the vast majority of Bidoon were concealing their true identities.

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

The law provides citizens with the right to change their representatives in the legislative branch of government, and citizens exercised this right in practice. However, citizens had only a very limited, indirect impact on control of the executive branch as the constitution stipulates that the country is a hereditary Emirate. The elected National Assembly must approve the Emir's choice of crown prince (the future Emir) and may remove the Emir from power if it declares him unfit. In 2006 the National Assembly exercised this power for the first time in the country's history.

Elections and Political Participation.—On May 17, two months after the Emir dissolved the National Assembly, Islamists gained seats in an early parliamentary election that was generally considered free and fair. According to press reports, 35 percent of Kuwaiti citizens were eligible to vote, and this election was the first since the number of electoral districts was reduced from 25 to five in 2006.

There is no formal law banning political parties; however, the Government did not recognize any political parties or allow anyone to form political parties. Although the law does not address political parties, they are in effect forbidden. Nevertheless, several well-organized, unofficial blocs, acting much like political parties, existed and were active in National Assembly elections. Assembly candidates must nominate themselves as individuals and may run for election in any of the country's electoral districts. Tribes dominated two of the five constituencies and also exerted influence on the other three.

There were no women in the National Assembly; however, there were two women on the Municipal Council, and the ministers of education and housing and of state for development affairs were women.

Government Corruption and Transparency.—The law mandates criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The Audit Bureau is the Government agency responsible for combating government corruption.

The MOSAL and the MOI continued to discover numerous cases during the year of ministry employees forging documents enabling the importation of foreign workers. The Government response was not effective in combating this problem. Violations were referred to investigative bodies within the ministries and then sent to the general attorney's office for action. No rigorous action was taken against the violators.

Public officials were not subject to financial disclosure laws.

The law provides for public access to unclassified government information by citizens and noncitizens alike. The Government enforced this law.

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

The law permits the existence of NGOs; however, the Government continued to deny licenses to some NGOs. NGOs may not engage in overtly political activity and are prohibited from encouraging sectarianism. They must also demonstrate that their existence is in the public interest. The only local independent NGOs dedicated specifically to human rights were the KHRS and the Kuwaiti Society for Fundamental Human Rights (KSFHR). The KHRS, which operated since the early 1990s and received its official license in 2004, sporadically published a magazine and met with senior government officials. The KSFHR, which came into existence in 2005, aimed to approach human rights from an Islamic perspective. Its leaders have spoken out on human rights issues such as the treatment of foreign workers and the Bidoon, but it had not published anything other than a booklet describing the organization and had not conducted any activities. Other local licensed NGOs devoted to specific groups, such as women, children, foreign workers, prisoners, and persons with disabilities, were permitted to work without government interference. Also, an

unknown number of local unlicensed human rights groups operated without government restriction during the year.

The Government and various National Assembly committees met regularly with local NGOs and responded to their inquiries.

The Government permits international human rights organizations to visit the country and establish offices, although none operated in the country. The International Office for Migration's regional director visited the country during the year. Refugees International performed and published a human rights study on the Bidoon in 2007 without government interference.

The Government permitted visits by international governmental organizations. The UN undersecretary for humanitarian affairs and emergency relief visited the country twice during the year and met with senior government officials including the foreign minister. One of the UN human settlements officers met with the minister of housing and the minister of state for planning affairs. The Government also continued to cooperate fully with the work of the UN special rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of its citizens missing in Iraq since the end of the Gulf War.

The National Assembly's Human Rights Defense Committee is an advisory body. During the year its work consisted primarily of hearing individual complaints of human rights abuses.

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

The law prohibits discrimination based on race, origin, disability, or language; however, in practice the Government did not uniformly or consistently enforce laws against discrimination, and a number of laws and regulations discriminated against women, noncitizens, and domestic workers.

Women.—Violence against women continued to be a serious and overlooked problem. Rape is criminalized with a maximum penalty of death, which the country imposes for the crime; however, spousal rape is not a crime. The media reported hundreds of rape cases during the year. Many of the victims were noncitizen domestic workers. The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. According to third-country diplomatic sources, victims reported that some police stations and hospitals handled their cases in a professional way, but many did not.

The law does not specifically prohibit domestic violence, although cases are tried as assault, and a victim of domestic violence may file a complaint with the police requesting formal charges be brought against the abuser. Each of the country's 83 police stations reportedly received weekly complaints of domestic abuse. However, even with documented evidence of the abuse, such as eyewitness accounts, hospital reports, and social worker testimony, police officials rarely arrested perpetrators of domestic violence. Noncitizen women married to citizens reported domestic abuse and inaction or discrimination by police during the year. A woman may petition for divorce based on injury from abuse, but the law does not provide a clear legal standard as to what constitutes injury. In addition a woman must provide at least two male witnesses (or a male witness and two female witnesses) to attest to the injury suffered. The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases were not reported, especially outside of the capital, and individuals reportedly bribed police officials to ignore domestic abuse charges. Abusive husbands, if convicted, rarely faced severe penalties.

There are no shelters or hot lines specifically for victims of domestic violence, although a temporary shelter for domestic workers opened in September 2007 housed victims during the year. In the year since it was opened, the shelter has housed 279 domestic workers.

Honor crimes are prohibited; however, the penal code reduces penalties for such crimes to misdemeanors with a maximum prison sentence of three years. There were no reported cases of honor crimes during the year.

The police actively enforced laws against pandering and prostitution, with arrests reported regularly. During the year police also uncovered numerous prostitution rings. However, according to reports, the prostitution rings were made up of women who were not being forced or held captive against their will. The Government generally deported prostituted persons to their countries of origin; however, some were released after signing a pledge of good conduct. Pimps received stiff jail terms. Some unemployed, runaway foreign domestic workers were recruited or kidnapped and forced into prostitution.

There is no specific law that addresses sexual harassment. Human rights groups characterized sexual harassment against women in the workplace as a pervasive but unreported problem. While no official statistics on the problem were available, a

June 2007 newspaper survey found that 40 percent of female respondents from various professions had experienced sexual harassment.

Women have political rights; however, they do not enjoy the same rights as men under family law or property law or in the judicial system, and they continued to face discrimination in many areas. Nevertheless, women have attained prominent positions in government and business. A parliamentary committee for women's and family affairs exists.

Women continued to experience legal, economic, and social discrimination. Shari'a discriminates against women in judicial proceedings, freedom of movement, and marriage. Inheritance is governed by Shari'a, which differs according to the school of Islamic jurisprudence followed by the different populations in the country. In the absence of a direct male heir, Shia women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. A divorced woman loses her right to live in housing purchased through the Government loan program when her children reach age 18, regardless of any payments she may have made on the loan, and a female citizen married to a noncitizen cannot, by law, even qualify for the loan program. Female citizens married to noncitizens were also required to pay annual residence fees of 217 dinars (approximately \$740) for their husbands and children; the law grants residency only if the noncitizen husband is employed, and citizen women cannot pass citizenship to their noncitizen husbands or their children. Male citizens married to female noncitizens did not face such discrimination in law or practice.

The law provides for female "remuneration equal to that of a man provided she does the same work"; however, it prohibits women from working in "dangerous industries" and in trades "harmful" to health. On June 8, the Constitutional Court ruled that the housing benefits package outlined in a resolution by the Council of Ministers for judges, general attorneys, and counselors in the legal advice and legislation department was unconstitutional. According to the resolution, married employees of both genders received a housing allowance of 323 dinars (approximately \$1,100), single male employees received 217 dinars (\$740), and single female employees received nothing. Educated women maintained that the conservative nature of society limited career opportunities, although there were limited improvements. On June 29, the police academy enrolled its first group of female cadets.

The law also requires that classes at all universities, private and public, be segregated by gender. Public universities enforced this law more rigorously than private universities.

Children.—The Government is generally committed to the rights and welfare of citizen children, although noncitizen children suffered. The Government did not issue birth certificates to Bidoon children, which resulted in the denial of free public services to those children. Education, which for citizen children was free through the university level and compulsory and universal through the secondary level, was generally unavailable to Bidoon children, who sometimes attended private schools.

There was no societal pattern of child abuse, although there were isolated instances.

The legal age for girls to marry is 15, but younger girls continued to marry within some tribal groups. The MOJ estimated the problem at 2 to 3 percent of total marriages. The Government attempted to educate the rural community through the MAIA and imams in local mosques.

Trafficking in Persons.—The law does not explicitly prohibit trafficking in persons, although it prohibits transnational slavery and forced prostitution. Trafficking in persons was a serious problem.

The country was a destination and transit point for men and women for forced labor and commercial sexual exploitation. Victims came from South and East Asia, including Bangladesh, India, Pakistan, Sri Lanka, Nepal, Indonesia, and the Philippines, although individuals from other countries, such as Ethiopia and Eritrea, also reportedly were trafficked. Hundreds of thousands of Egyptians worked in the country, and some were subjected to trafficking, particularly in the form of debt bondage. There were reports that foreign workers under age 18 were employed in homes in the country, but most victims were adults.

Principal traffickers were labor-recruitment agencies and sponsors (employers) of foreign workers. The primary method used to obtain and transport victims was for employers to offer valid contracts to workers and then not honor those contracts. There were reports that employers gave workers new contracts at lower salaries than those they signed previously or deducted multiple fees from their salaries. Some companies reportedly kept workers' cash cards and withdrew part of the salary after the paycheck had been deposited. Workers found it difficult to leave these situations for several reasons: employers frequently withheld workers' passports or

otherwise restricted their movements; employees often were in debt from their travel to the country; and employers could file or threaten to file criminal charges against workers for absconding. Workers had only limited ability to transfer from the sponsorship of one employer to another. Some workers also faced physical and sexual assault as means of forcing them to work.

Some traffickers, citizens and noncitizens, would set up a “sham” company and get permission to import a certain number of foreign workers. The trafficker’s agent in a foreign country would collect high fees from prospective workers, purportedly for the right to come to the country to work. However, when the workers arrived, they found there was no work for them. In some cases, the employer would file an absconding charge or simply report that the employee was no longer employed. Victims were left without means of support and sometimes in violation of immigration laws and were thus vulnerable to trafficking, while the employer could then import more workers and charge them the same fees. In other cases, workers knew that they were merely paying for sponsorship and that it was up to them to find work.

Traffickers also forced some female domestic workers into prostitution after they had escaped an abusive employer or by deceiving them with a promise of a job in a different sector.

Although the law does not explicitly prohibit trafficking in persons, traffickers may be prosecuted for transnational slavery, with a penalty of up to five years’ imprisonment, or forced prostitution, with a penalty of up to five years’ imprisonment or seven for minors. However, the Government reported no such prosecutions or convictions during the year. Penalties for trafficking-related crimes range from fines and incarceration for failure to abide by the standardized domestic labor contract to life sentences and death for rape. However, in most cases, law enforcement efforts were not effective and focused on administrative measures, such as shutting down companies in violation of labor laws or issuing the return of withheld passports or payment of back-wages, rather than criminal punishments for abusive employers.

During the year the courts did not make convictions for trafficking-related crimes. The MOSAL, the Government agency responsible for enforcing labor regulations, referred 29 companies to the Investigation Department for nonpayment of worker salaries.

The Government assisted some trafficking victims; however, victims were sometimes detained, prosecuted, or deported for acts, such as prostitution or absconding, committed as a result of being trafficked. The Government sheltered some trafficking victims in the domestic worker shelter built in 2007, and it occasionally paid for airline tickets to repatriate runaway or abused domestic workers. The Domestic Workers Administration sometimes brokered solutions between employers and former employees. There were no government programs to prevent trafficking during the year.

The State Department’s annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. The law also mandates access to buildings for persons with disabilities. The Government generally enforced these provisions. There was no reported discrimination against persons with disabilities generally; however, noncitizens with disabilities did not have access to government-operated facilities or receive stipends paid to citizens with disabilities, which covered transportation, housing, job training, and social welfare.

Representatives from ministries, other governmental bodies, Kuwait University, and several NGOs constituted the Government’s Higher Council for Handicapped Affairs, which made policy recommendations, provided financial aid to persons with disabilities, and facilitated the integration of such persons into schools, jobs, and other social institutions. The Government supervised and contributed to schools and job and training programs that catered to persons with special needs.

Other Societal Abuses and Discrimination.—Homosexuality is illegal, and there was discrimination against homosexuals, in addition to cases of police abuse of transgendered persons.

In December 2007 the National Assembly approved a law to impose a fine of 1,059 dinars (approximately \$3,600) and/or one year’s imprisonment for those imitating the appearance of the opposite sex in public. There were no updates at year’s end regarding the men arrested under this law in December 2007.

Unmarried men continued to face housing discrimination based solely on marital status. Although the law prohibits single men from obtaining accommodation in many urban residential areas, at year’s end the Government had yet to fulfill a plan to construct housing for them on the outskirts of the capital.

Section 6. Worker Rights

a. The Right of Association.—With the notable exceptions of the country's approximately 540,000 domestic servants and an unknown number of maritime employees, the law provides that workers have the restricted right to join unions without previous authorization. An estimated 80,000 persons, or 5 percent, of a total workforce of 1.6 million were organized into unions. The law empowers the Government to interfere significantly in union activities, including the right to strike; however, the Government did not impede strikes.

The Government restricts the right of freedom of association to only one union per occupational trade and permits only one federation, the Kuwait Trade Union Federation (KTUF), which comprises 15 of the 47 licensed unions. The law stipulates that any new union must include at least 100 workers, 15 of them citizens. Both the International Labor Organization and the International Trade Union Confederation have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector.

The Government essentially treated licensed unions as parastatal organizations, providing as much as 90 percent of their budgets and inspecting financial records. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The Emir also may dissolve a union by decree. No union was dissolved during the year. The Government denied several unions' applications for official recognition during the year.

The law denies domestic servants (one-third of the noncitizen workforce) and maritime employees the right to associate and organize. It also discriminates against over one million other foreign workers by denying them union voting rights, barring them from leadership positions, and permitting them to join unions only after five years of residence, although the KTUF stated that this last requirement was not widely enforced in practice.

The law limits the right of workers, especially noncitizens, to strike. Most labor disputes are resolved in compulsory negotiations; if not, either party may petition MOSAL for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the Court of Appeals, the office of the attorney general, and MOSAL. The law does not contain any provision ensuring strikers' freedom from legal or administrative action taken against them by the Government. Employers generally try to settle the disputes with their workers themselves in order to retain them.

On July 28, Bangladeshi workers, mainly cleaners and trash collectors, began a strike over grievances related to pay and work conditions. One of the demonstrations reportedly became violent, with workers smashing windows and vandalizing cars, and police responded with tear gas and clubs. According to reports, security officials imprisoned and beat the workers for five days before forcibly deporting them to Bangladesh. However, these strikes served to raise government awareness, and on September 11, parliament established an independent committee for foreign workers' problems.

b. The Right to Organize and Bargain Collectively.—The law provides workers, with the important exceptions of domestic servants, maritime workers, and civil servants, with the right to bargain collectively, subject to certain restrictions; the Government generally respected in practice the rights of those workers covered by the law. Approximately 70 percent of the labor force was covered by collective agreements. There are no restrictions on collective bargaining.

The law also prohibits antiunion discrimination and employer interference with union functions; and the Government generally protected those rights. Any worker alleging antiunion discrimination has the right to appeal to the judiciary. Employers found guilty of such discrimination must reinstate workers fired for union activities. There were no reports of discrimination against employees based on their affiliation with a union.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, "except in cases specified by law for national emergency and with just remuneration"; however, there were reports that such practices occurred. Domestic servitude and forced prostitution were the most common types of forced labor.

Some foreign domestic workers, often trafficked, were victims of forced labor. Physical or sexual abuse of female domestic workers was a serious problem, and the police and courts took action against employers when presented with evidence of serious abuse. There were frequent reports of domestic workers allegedly committing or attempting suicide because of desperation over poor working conditions or abuse.

For example, on December 10, a citizen reported that his Asian housemaid committed suicide in Jeleeb Al-Shuyoukh, Kuwait City. On December 13, a citizen woman hospitalized her Ethiopian housemaid after the latter attempted suicide by swallowing a chemical detergent.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits child labor; however, there were credible reports of underage workers, including domestic servants.

The legal minimum age for employment is 18; however, employers may obtain permits from the MOSAL to employ juveniles between the ages of 14 and 18 in non-hazardous trades. Juveniles may work a maximum of six hours a day on the condition that they work no more than four consecutive hours followed by a one-hour rest period.

There were reports that some children were trafficked to the country to provide domestic labor, and some underage workers reportedly falsified their ages in order to enter the country. During the year underage Asian girls reportedly worked as domestic servants after entering the country on false travel documents obtained in source countries.

The Labor Inspection Department monitored private firms routinely for labor law compliance, including laws against child labor.

e. Acceptable Conditions of Work.—The public sector minimum wage for citizens was 217 dinars (approximately \$740) per month, while the public sector noncitizen wage was 97 dinars (\$333). The public sector minimum wage provided a decent standard of living for a citizen worker and family. There was no legal minimum wage in the private sector, except for those domestic workers who had signed contracts since 2006 who received at least 40 dinars (\$136) per month. The MOSAL is responsible for implementing the minimum wage, which was effectively enforced.

The law establishes general conditions of work for the private sector. The law limits the standard workweek to 48 hours (40 hours for the oil industry) with one full day of rest per week and one hour of rest after every five consecutive hours of work. These standards were not well enforced, and domestic servants and other unskilled foreign workers in the private sector frequently worked in excess of 48 hours a week, often with no day of rest.

The Government issued occupational health and safety standards; however, compliance and enforcement by MOSAL appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled pollution resulting from certain industries, trained workers to use machines, and reported violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, government attention to worker safety issues remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop when the temperature rises to 50 degrees Celsius (122 Fahrenheit); however, media sources alleged that the Government falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. MOSAL enforced the ban on working during the hottest times of the day by doing site visits. In June MOSAL inspection teams visited 506 open work sites and discovered more than 530 persons working during the daytime ban.

LEBANON

Lebanon, with a population of approximately four million, is a parliamentary republic in which the President is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shia Muslim. On May 25, parliament elected President Michel Sleiman, who serves as the head of state, in a process that was facilitated by Qatar and the Arab League. As stipulated in the constitution, former President Emile Lahoud stepped down in November 2007 at the end of his term, and the powers of the presidency were transferred to the cabinet. Although parliament was scheduled originally to begin the Presidential election process in September 2007, the speaker rescheduled the session 19 times.

On May 7, opposition fighters led by Hizballah, a Shia opposition party and terrorist organization, seized control of Beirut International Airport and several West

Beirut neighborhoods to protest government decisions to declare Hizballah's telecommunication network illegal and remove the airport security chief because of the presence of Hizballah's surveillance cameras monitoring the airport. During the heavy fighting, 84 persons were killed and approximately 200 were injured. On May 21 in Doha, Qatar, rival leaders reached an agreement to end the violence and the 18-month political feud. Sectarian clashes continued to break out between the Druze and Hizballah across the country and between Sunnis and Alawites in the northern part of the country, leading to the deaths of approximately 70 persons and the wounding of 275. UN Security Council (UNSC) resolutions 1559 and 1701 call upon the Government to take effective control of all Lebanese territory and disarm militia groups. However, despite the presence of the Lebanese and UN security forces, Hizballah retained significant influence over parts of the country, and the Government made no tangible progress towards disbanding and disarming armed militia groups, including Hizballah.

There were limitations on the right of citizens to change their government peacefully. Militant and sectarian groups committed unlawful killings, and security forces arbitrarily arrested and detained individuals. Torture of detainees remained a problem, as did poor prison conditions, lengthy pretrial detention, and long delays in the court system. The Government violated citizens' privacy rights, and there were some restrictions on freedoms of speech and press, including intimidation of journalists. The Government suffered from corruption and a lack of transparency. There were limitations on freedom of movement for unregistered refugees, and widespread, systematic discrimination against Palestinian refugees and minority groups continued. Domestic violence and societal discrimination against women continued, as did violence against children and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, militant groups killed civilians during the year in connection with the May 7–21 conflict and other internal sectarian clashes (*See* Section 1.g.).

There were no further developments in the investigations following several 2007 car bomb deaths: Member of Parliament (MP) Walid Eido and 10 others in June, MP Antoine Ghanem and eight others in September, and Lebanese Armed Forces (LAF) chief of operations Brigadier General Francois el-Hajj and his bodyguard in December.

The four suspected members of the terrorist group Fatah al-Islam (FAI) arrested in March 2007 for the 2006 Ain Alaq twin bus bombings remained in detention at year's end, without formal convictions.

In June 2007 the news Web site Al-Mustaqbal reported that Judge Sa'id Mirza brought charges against Lebanese citizen Ibrahim Hasan Awadah and Syrian citizens Firas Abd al-Rahman, Mahmoud Abd al-Karim Imran, and Izzat Muhamad Tartusi for the 2005 attempted assassination of the defense minister and incoming Deputy Prime Minister Elias Murr, which injured Murr and killed one person. The suspects allegedly remained outside of the country in an unknown location at year's end.

Alleged FAI official Walid al-Bustani remained detained at year's end for his reported connection to the 2006 assassination of then-industry minister Pierre Gemayal.

There were no further developments in the investigations of the 2006 killings of Islamic Jihad member Mahmoud Majzoub and his brother or of the roadside bombs in Rmeileh that injured Internal Security Forces (ISF) Lieutenant Colonel Samir Shehade and killed four of his bodyguards. The ISF alleges that Israel was behind the Majzoub killings because the victims were Palestinian. Shehade, the former head of the ISF intelligence unit, departed for Canada following the assassination attempt against him.

During the year the UN International Independent Investigation Commission (UNIIC), established under UNSC resolution 1595, continued its investigation into the 2005 assassination of former prime minister Rafiq Hariri and other political killings. While preliminary reports pointed to possible linkages to Syrian intelligence services, the UNIIC did not reach a firm conclusion by year's end.

Israeli cluster munitions from the 2006 conflict continued to kill and injure civilians during the year. The UN Mine Action Coordination Center estimated that 560,000 to 1.1 million unexploded munitions remained despite ongoing removal and that munitions had killed 42 persons since the end of the conflict.

b. Disappearance.—During the year there were no reports of politically motivated disappearances.

On July 16, Hizballah returned to Israel the bodies of two Israeli soldiers kidnapped in 2006; in exchange Israel returned five living prisoners to Hizballah, as well as the bodies of 200 Lebanese, Palestinian, and other Arab fighters.

On August 27, a Lebanese judge accused Libyan President Moammar Qaddafi and six of his aides of inciting and participating in the 1978 disappearance of Imam Moussa Sadr.

On September 2, the Public Prosecutor issued charges against 14 persons for the April 2007 kidnapping and killing of Ziad Ghandour and Ziad Qabalan, two youths affiliated with Progressive Socialist Party leader Walid Jumblatt, a Druze Muslim allied with the Government. The ruling requested the death penalty for five brothers who were at large at year's end, Mohammed, Shehadeh, Abdallah, Abbas, and Ali Shamas; a life term of hard labor for helping conceal the crime for Mustafa Omar al-Saeedy, Ayman Fouad Safwan, Wissam Ghazi Orabi, and Saeb Ibrahim al-Dakkdoki; and up to three years' imprisonment for hiding Ali Shamas and failing to notify the authorities about the crime for Hanan Atwi, Abeer Qabalan, Hassan Hazeemah, Hana Ismail, and Rabih Houili.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically prohibit torture. Security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), reported that torture was common. In a February 14 letter to the Association Council between the European Union and Lebanon and an October 7 letter to the interior minister, HRW reported there were instances of torture during the year at the Ministry of Defense and the Information Section, the ISF's intelligence branch, as well as in certain police stations. The Lebanese Association for Education and Training (ALEF) also reported during the year instances of torture in the ISF's Drug Repression Bureau detention facilities in Beirut and Zahle.

On September 18, parliament authorized the Government to ratify the Optional Protocol to the Convention Against Torture (CAT); however, at year's end the Government had not submitted its initial report under the CAT. On November 5, eight international and local human rights organizations issued a press release stating that over the last two years they had gathered testimonies from a number of detainees who claimed that security officials beat and tortured them. The press release requested the Government to take concrete and public measures to stop the use of torture in detention facilities and submit the initial report under the CAT, seven years overdue.

In May 2007 HRW and the Lebanese Center for Human Rights (CLDH) called for an investigation into allegations of torture and ill treatment of nine of 12 detainees whose military court trial began in April 2007. In interviews with HRW and CLDH, some detainees alleged that interrogators tortured them during their detention at the Ministry of Defense to force confessions, while other detainees claimed they were ill-treated and intimidated. Five detainees reported being blindfolded and frequently punched during questioning. On September 5, the court acquitted for lack of evidence the 12 suspects of allegedly planning to assassinate Hizballah leader Hassan Nasrallah; however, 11 of the 12 were sentenced to three to five years' imprisonment for conspiracy to commit crimes against the state with the aim of inciting sectarian strife and possession and transfer of weapons and explosive material. At year's end HRW and CLDH's call for an investigation had not been answered.

In May 2007 the Lebanese daily Al-Diyar reported that the ISF Information Section called Muhammad Abu-al-Amir Salhab in for questioning following the 2005 assassination of former Prime Minister Rafiq Hariri. According to Al-Diyar, security forces detained Salhab for three days, during which he "was subjected to all types of torture." At year's end Salhab remained in France seeking political asylum.

In 2006 the nongovernmental human rights organization Support of Lebanese in Arbitrary Detention (SOLIDA) issued a report documenting the various types of torture allegedly practiced at the Ministry of Defense between 1992 and 2005, before Syria withdrew its troops in 2005. Torture methods included physical abuse, sleep deprivation, and prolonged isolation. In April 2007 the army released a statement dismissing news reports that detainees suspected of belonging to armed groups were subjected to torture during interrogation. According to the Daily Star, the statement denied that any detainees had undergone "any sort of physical or psychological torment in order to force them to give false testimonies."

The Government acknowledged that violent abuse of detainees sometimes occurred during preliminary investigations at police stations or military installations where suspects were interrogated without an attorney. Such abuse occurred despite

national laws that prevent judges from accepting confessions extracted under duress.

In June 2007 security forces arrested five dual Australian-Lebanese citizens—Hussein Elomar, Omar al-Hadba, Ibrahim Sabbough, Ahmed Elomar, and Mohammed Bassel—during a raid on al-Hadba's workshop in Tripoli on suspicion of supplying weapons to FAI. Security forces reportedly broke Hussein Elomar's jaw in detention and forced his nephew, Ahmed Elomar, to stand for long periods of time and beat him severely if he tried to rest. Ahmed's injuries included damage to his knee. Police dropped charges against Ahmed Elomar and Mohammed Bassel. The other individuals remained in custody at year's end.

Abuses also occurred in areas outside the Government's control, including in Palestinian refugee camps. During the year there were reports that members of various Palestinian factions and foreign militias detained their rivals during clashes over territorial control of the camps, particularly in the north and south.

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions, particularly in the women's prison, were very poor. According to HRW failure to provide appropriate medical care and negligence of authorities were likely causes of 13 deaths in prisons during the year. The Government did not consider prison reform a high priority. The number of inmates was estimated to be 4,700, including pretrial detainees and remand prisoners. The Government made a modest effort to rehabilitate some inmates through education and training programs.

Overcrowding and limited prison facilities meant that pretrial detainees were often held together with convicted prisoners, and juveniles may have occasionally been held together with adults during the year.

The Government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). In February 2007 the ICRC and judicial and security authorities signed a protocol enabling the ICRC to visit all prisons in the country in accordance with decree 8800. According to its 2007 annual report released on May 27, the ICRC carried out 59 visits, visited 6,764 detainees, and monitored the cases of 415 detainees in 2007. According to its January-April report on its activities in the country, the ICRC carried out 15 visits to detainees in seven prisons to monitor conditions and the treatment of detainees so far during the year. The ICRC's 2008 report detailing their activities for the rest of the year had not been issued by year's end.

d. Arbitrary Arrest or Detention.—Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the Government arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—The ISF, under the Ministry of Interior (MOI), enforces laws, conducts searches and arrests, and refers cases to the judiciary while the State Security Apparatus, which reports to the prime minister, and the Surete Generale (SG), which is under the MOI, control the borders. The LAF may arrest and detain suspects on national security grounds. Both the State Security Apparatus and the SG collect information on groups deemed a possible threat to state security.

Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, a lack of strong enforcement limited their effectiveness. The Government acknowledged the need to reform law enforcement, but the lack of political stability and security hampered these efforts. The ISF maintained three hot lines for complaints, which are believed to operate efficiently. Operation centers are set up for North Lebanon, South Lebanon, Bika', Mount Lebanon, and Beirut. Each operation center receives approximately 50 calls per day with the exception of the Beirut operation center, which receives approximately 100 calls per day. Depending on the urgency and the seriousness of the calls, the ISF dispatches its forces for assistance. During times of security instability, these centers receive a greater number of calls.

Arrest and Detention.—Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion. According to ISF statistics, of the 4,686 persons held in prison, 2,780 had not been convicted of crimes. Also, there were reports that security forces arrested civilians during the May clashes without warrants.

The law generally requires a warrant for arrest and provides the right to a lawyer, a medical examination, and referral to a prosecutor within 48 hours of arrest. If a detainee is held longer than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal

freedom. A suspect caught in the act of committing a crime must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. Family members were allowed to visit detainees every Tuesday, Thursday, and Saturday.

Many provisions of the law were not observed in practice, and security forces and extralegal armed groups continued the practice of arbitrary arrest and detention.

On April 26, Hizballah members detained Karim Pakzad, who was representing the French Socialist Party at a two-day socialist conference held in Beirut, and another person who were taking pictures at a Hizballah stronghold. After interrogating the two for four hours, Hizballah released them.

On August 15, Hizballah members detained Brazilian journalist Marcos Losekanna de Paulo Pimentel and Beirut-based Brazilian BBC journalist Tarek Saleh and interrogated them for five hours. The journalists were working on a story about a diner located in Hizballah's stronghold in the southern suburbs of Beirut that sold sandwiches named after weapons, dishes inspired by terrorist attacks, and snacks wrapped in camouflage paper.

In mid-September Hizballah members detained five employees from LebanonFiles.com who were conducting a survey in the southern Beirut suburb of Dahiyeh. The employees were reportedly interrogated for six hours before being released.

A November 2007 UN Commission for Human Rights working group cited as an example of arbitrary detention the UNHCR arrest of four Lebanese generals for the 2005 assassination of former PM Rafiq Hariri. The generals remained in prison at year's end. On August 6, Investigative Magistrate Saqr Saqr turned down a request for the release of the four generals. Separately, Saqr released two of another nine detainees held for giving false information related to the Hariri investigation. On August 26, the lawyers for one of the generals, General Security Major General Sayyed, filed a lawsuit in France against former UN Chief Investigator Detlev Mehliis for distorting the investigation and calling false witnesses.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions.

Human rights activists believed that there were numerous Lebanese and Palestinians from Lebanon in prolonged and often secret detention in Syria. The NGO Support of Lebanese in Detention and Exile (SOLIDE) estimated that more than 600 Lebanese prisoners remained in Syria. On August 20, Justice Minister Ibrahim Najjar stated in a televised interview that there were 745 Lebanese citizens missing in Syria, divided into two categories: convicted criminals and victims of "enforced disappearances." Najjar was the first government official to publicly classify the detainees.

On September 7, the Syrian delegation of the joint Lebanese-Syrian commission charged with investigating the missing individuals presented a list of 115 names of convicted Lebanese citizens held in Syrian jails; however, the Syrian list differed from the Lebanese delegation's list and contained names only of convicted Lebanese, rather than any of those classified as "enforced disappearances," the primary focus of human rights activists. According to SOLIDE, at year's end the Syrian delegation had not granted approval for Lebanese judges to check on the prisoners, although it agreed in principle.

During the year there were no reports of Syrian forces operating in the country carrying out searches, arrests, or detentions of citizens outside any legal framework.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. Influential politicians, as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. With UNHCR support, however, the judiciary continued to detain once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. Despite intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in 2004, the aftermath of the 2005 assassination of Rafiq Hariri led to gradual progress in eliminating political and security influence over the judiciary.

The judicial system consists of a council to determine the constitutionality of newly adopted laws upon the request of 10 members of parliament; the civilian courts; the military court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. There are also tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody. The religious Shari'a courts are often used by both the Shia and Sunni reli-

gious communities to resolve family legal matters. There are also religious family courts in the various Christian-sect and Druze communities.

The military court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The military court has two tribunals: the permanent tribunal and the cassation tribunal. The latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security and some high-profile cases. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. Defendants before the Judicial Council had the same procedural rights as other defendants; however, there was no right to appeal and judges had the discretion to order the generally public sessions be closed. On September 18, the cabinet referred the assassination case of Saleh Aridi to the Judicial Council, which was already considering the assassination cases of MPs Walid Eido, Antoine Ghanem, and Pierre Gemayel.

The Ministry of Justice (MOJ) appoints all other judges, taking into account the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 11 Palestinian-controlled refugee camps in the country.

Trial Procedures.—There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. While defendants do not have the presumption of innocence, they have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed. While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants. A member from the Beirut Bar Association's Legal Aid Committee estimated that as many as 20 percent of the cases did not receive proper representation; however, this was believed to be related to the competence of the lawyer handling the case.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to resolve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally handed over the perpetrator to state authorities for trial.

Political Prisoners and Detainees.—During the year there were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—While there is an independent judiciary in civil matters, in practice it was seldom used for bringing civil lawsuits for seeking damages for human rights violations committed by the Government. During the year there were no examples of a civil court awarding an individual compensation for human rights violations committed against them by the Government.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, authorities frequently interfered with the privacy of persons regarded as enemies of the Government. The law requires that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; these rights were generally observed.

The Army Intelligence Service monitored the movements and activities of members of opposition groups. Although the law regulates eavesdropping, security services continued to eavesdrop without prior authorization.

Militias and non-Lebanese forces operating outside the area of central government authority also frequently violated citizens' privacy rights. Various factions used informer networks and monitoring of telephones to obtain information regarding their perceived adversaries.

There were no developments in the 2005 decree to create an independent judicial committee to receive telephone-tapping complaints and permit security services to monitor criminals' telephones. Similarly, there were no developments in the 2005 decree to create a centralized unit to supervise tapping telephones related to mili-

tary personnel only. During a parliamentary session on August 26, Parliament Speaker Berri announced his intention to form a parliamentary investigative committee to look into telephone-tapping. Telecom Minister Gebran Bassil also noted the same day the need to formally regulate the practice of the country's two cellular telephone service providers in supplying information to any individual or party.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Internal strife along confessional divides and between the Government majority and the opposition continued to plague the country throughout the year, and militant groups committed violence against political figures and government institutions.

On January 15, an explosion targeted a diplomatic embassy vehicle, killing three persons in an adjacent vehicle and injuring two security employees.

On January 25, a car bomb killed ISF Information Technology Intelligence branch head Captain Wissam Eid and three others and injured 36. Eid played a significant role in a number of sensitive investigations, including the assassination of PM Rafiq Hariri.

On January 27, violent riots broke out when youth from the predominantly Shia Muslim area of Shiyah were protesting what they perceived to be discriminatory power cuts. When an Amal movement official was killed by unknown gunfire, the riots turned violent with protesters throwing stones and setting cars ablaze. The riots led to the death of seven civilians, including the Amal Movement official, and more than 19 injured. On February 2, the LAF arrested 17 persons, including 11 soldiers and three officers, for their excessive use of force in containing the protests. Investigations were ongoing at year's end.

On April 20, two Phalange party supporters, Nasri Marouni and Salim Assi, were killed during the inauguration of the Phalange headquarters in Zahle. Alleged suspects Joseph and Tony Zouki, supporters of pro-"March 8 Alliance" MP Elie Skaff, remained at large.

Between May 7 and 21, Hizballah-led opposition fighters occupied parts of downtown Beirut to protest two government decisions taken against Hizballah. Armed clashes ensued between the predominantly Shia opposition and Sunnis aligned with the majority. The takeovers targeted Sunni-run political party offices and media outlets. Armed clashes also broke out between Druze and Hizballah in the mountains and between Sunnis and Alawites in the north. The May conflict reportedly resulted in more than 80 deaths and 250 injuries.

According to HRW, during the May conflict members of the opposition groups Hizballah, Amal, and the Syrian Socialist National Party (SSNP) used small arms and rocket-propelled grenades (RPGs) in densely populated areas of Beirut, killing numerous civilians. For example, HRW reported that on May 8, opposition gunmen shot and killed Amal Baydoun and her son, Haytham Tabbarah with an RPG while they were trying to flee their Ras al-Nabaa neighborhood. Opposition gunmen shot and injured Tabbarah's two brothers later that day while they were trying to join their family at the hospital.

Also during May supporters of the progovernment groups Future Movement and the Progressive Socialist Party (PSP) also resorted to violence against civilians and offices associated with opposition groups in areas under the progovernment groups' control in northern Lebanon, the Biqa', and the Shouf. According to Hizballah, PSP fighters detained and then executed two Hizballah followers. After examining photos of the two Hizballah members, HRW reported that at least one had been shot in the head at close range while the other appeared to have had part of the skin of his forearm removed. In Halba, a village in the north, armed Sunnis killed members of the SSNP after they had surrendered.

On May 31, a blast killed Lebanese soldier Ossama Hassan at an army intelligence post in the northern village of al-Abdeh near the northern city of Tripoli. In two separate attacks on August 13 and September 29, culprits bombed buses packed with LAF soldiers on their way to work in Tripoli, killing 20 persons, including 14 soldiers, and injuring more than 90. On October 28, the public prosecutor issued charges against 34 suspects accused of carrying out terrorist attacks, including the attack on the intelligence post and the Tripoli bus bombings. If convicted the 26 detained suspects and the eight who remained at large could face the death penalty.

On September 10, unknown actors planted a car bomb that killed Druze opposition figure Saleh Aridi and injured six others. Aridi reportedly played a major role in the reconciliation efforts of Druze leaders Walid Jumblatt and Talal Arslan following the May conflict.

In June 2007 HRW reported that LAF and ISF forces arbitrarily detained and physically abused some Palestinian men fleeing the fighting in the Nahr al-Barid refugee camp. During the conflict the LAF interrogated many men as they left the

camp and detained those suspected of supporting or having information about FAI. The LAF interrogated some Palestinian detainees at the Kobbah military base near Tripoli, approximately 10 miles from Nahr al-Barid. HRW reported that other interrogations took place at checkpoints and private houses near the camp.

In one case documented by HRW in June 2007, the Lebanese military detained a Palestinian man from Nahr al-Barid for interrogation at different locations for four days. During the interrogations, army interrogators reportedly punched and slapped him, giving him food only twice in four days. HRW also reported that members of the Lebanese military intelligence allegedly subjected detainees to kicks, punches, and beatings with rifle butts during interrogation.

The Nahr al-Barid conflict caused other humanitarian concerns. Palestinian refugees and Lebanese displaced by the violence were without running water, sewage, or electricity for weeks. Refugees who left the camp were treated for dehydration, diarrhea, and stomach illnesses, and the regular UNRWA-run health care clinics in the camp were not fully functioning due to security problems.

Members of international humanitarian organizations were attacked by FAI when attempting to enter the Nahr al-Barid camp. In May 2007, UN High Commissioner for Human Rights Louise Arbour condemned an attack by FAI on a UN aid convoy at Nahr al-Barid during the conflict that claimed the lives of two Palestinian refugees.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice, although journalists continued to feel intimidation, compounded by the May conflict. Individuals are free to criticize the Government but are legally prohibited from publicly criticizing the President.

Dozens of newspapers and hundreds of periodicals were published throughout the country and were financed by and reflected the views of various local, sectarian, and foreign interest groups. There was very limited state ownership of newspapers and periodicals. Of the seven television and 33 radio stations, all but one television and one radio station were owned privately. The majority of media outlets had political affiliations, and a news station's political affiliations sometimes hampered its ability to operate freely.

Despite a general increase in media freedom since 2005, the tense political atmosphere, weak judiciary, and the Government's failure to apprehend the perpetrators of the 2005 killings of journalists Samir Kassir and Gibran Tuani meant that journalists continued to feel intimidated. Partly due to the political divisions in the country, several journalists received threats from parties, politicians, or their fellow journalists.

The law permitted censoring of pornographic, political opinion, and religious materials when they were considered a threat to national security. The SG reviews and censors all foreign newspapers, magazines, and books before they enter the country. The law also prohibits attacks on the dignity of the head of state or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court. The 1991 security agreement between the Government and Syria, still in effect, contains a provision that prohibits the publication of any information deemed harmful to the security of either state. The media also practiced self-censorship at times due to fear of reprisal.

On May 9, Hizballah-led opposition fighters forced the pro-March 14 Future News television station and Radio al-Sharq to stop their transmission for four days. Using the LAF as an interlocutor, the gunmen threatened that if the employees did not suspend transmission, they would destroy the buildings. Management suspended transmission, at which point the gunmen entered the premises and cut all cables in the studio to guarantee no rebroadcast. Hizballah gunmen also set fire to the Future News archives building, destroying all records. On the same day, the gunmen also burned parts of March 14 majority leader Saad Hariri's Al-Mustaqbal newspaper offices as well as the Armenian radio station Sevan, located in the same building.

On November 27, a Beirut criminal court dismissed slander charges against Muhammad Muqraby, a prominent lawyer and human rights activist, resulting from a speech he gave to a European Parliament delegation in Brussels in 2003. Beirut public prosecutor Joseph Maamari appealed the verdict on December 11. The speech criticized the Government for using the judiciary, particularly the military court, to suppress dissent. Muqraby also condemned the use of torture to coerce confessions from suspects and the court-ordered closure in 2002 of a television station that had criticized the authorities. Eight other legal actions were pending against Muqraby,

including criminal actions initiated by the Higher Judicial Council, former and current judges, and the Beirut Bar Association.

There were no developments in the appeal filed by Al-Mustaqbal editor in chief Tawfiq Khattab and staff reporter Fares Khashan; authorities fined the two 50 million pounds (\$33,000) each for libel and damaging the reputation of President Lahoud in 2006.

The 2006 case in which the Lebanese Broadcasting Corporation (LBC) broadcast a show that ridiculed Hizballah Secretary General Hassan Nasrallah remained pending with the cabinet at year's end.

Also in 2006 the minister of justice filed a complaint against Al-Akhbar newspaper for alleging that two members of the Judicial Council had met with the head of the ISF Intelligence Department to discuss judicial appointments.

Most judicial cases launched in previous years against journalists were not pursued during the year. Investigations into the 2005 killings of Samir Kassir and Gebran Tueni and the 2005 attack on May Chidiac continued at year's end. There were no developments in the 2005 case against Al-Mustaqbal reporter and Future TV anchor Zahi Wehbe.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail and Internet discussion groups. The International Telecommunications Union indicated that the Internet penetration rate in Lebanon was 26.6 percent, with 950,000 Internet users. Internet access was publicly available, and the Government continued to expand its high-speed infrastructure. The SG and MOJ sometimes contacted Internet providers to block pornographic and religiously provocative sites.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom; however, the Government censored films, plays, and other cultural events. Filmmakers, playwrights, festival organizers, and others practiced self-censorship.

The SG reviews all films and plays and prohibits those that offend religious or social sensitivities. On March 26, the SG banned the Oscar-nominated film *Persepolis*, which portrayed the Islamic Revolution in Iran, then reversed its decision the following day. In 2006 the SG prohibited the film *The Da Vinci Code*, and it obliged playwright Lina Khoury to revise a play inspired by *The Vagina Monologues*.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government sometimes restricted this right. The MOI required prior approval to hold rallies, and groups opposing government positions sometimes were not granted permits.

On May 7, the General Labor Confederation's (GLC) strike calling for an increase in the minimum wage was called off soon after it started, when the demonstrators were unable to reach their designated demonstration points after opposition forces had taken advantage of the strike to set up roadblocks and burning tires in the streets. This led to the May conflict in and around Beirut. The roadblocks and burning tires remained in place until the Doha agreement was concluded on May 21. The opposition "sit-in" that began in 2006 also ended on May 21.

In January 2007 security forces failed to protect protestors in two instances: the Hizballah-led strike that left three dead and 133 injured and the Beirut Arab University violence, which killed four persons and injured more than 150. In June 2007 security forces reportedly fired on Palestinian refugees protesting in Nahr al-Barid camp, killing three and injuring 50.

Freedom of Association.—The law provides for freedom of association and the Government did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the MOI, which issues a receipt. However, the MOI sometimes imposed additional and inconsistent restrictions and requirements and withheld receipts, turning the notification process into a de facto approval process. For example, the MOI in some cases sent notification of formation papers to the security forces to conduct inquiries on an organization's founding members. On February 22, the Lebanese Center for Human Rights received the MOI's receipt of acceptance for the notification it submitted in 2006.

Organizations also must invite MOI representatives to any general assembly where votes are held for by-law amendments or when elections are held for positions on the board of directors. The MOI must then validate the vote or election; failure to do so could result in the dissolution of the organization.

The MOI did not immediately validate the February 28 elections of the Israeli Communal Council, representing the small Jewish community and Jewish property owners who do not reside in the country. Similar to the previous two such elections, the MOI did not validate them until May 15, following diplomatic intervention.

The cabinet must license all political parties. The Government scrutinized requests to establish political movements or parties and to some extent monitored their activities. The Army Intelligence Service monitored the movements and activities of members of some opposition groups.

c. Freedom of Religion.—The constitution provides for freedom of religion and the freedom to practice all religious rites, provided that the public order is not disturbed. The Government generally respected these rights; however, there were some restrictions.

Formal recognition by the Government is a legal requirement for religious groups to conduct most religious activities. The group must ensure the number of its adherents is sufficient to maintain its continuity.

Alternatively, religious groups may apply for recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. Although the Government did not recognize officially some Baha'i, Buddhist, Hindu, and Protestant Christian groups, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

Protestant evangelical churches are required to register with the Evangelical Synod, which represents those churches to the Government. Representatives of some churches complained that the Synod has refused to accept new members since 1975, thereby preventing their clergy from ministering to adherents in accordance with their beliefs. The Pentecostal Church applied for recognition from the Evangelical Sect, but the leadership of the Evangelical Sect, in contravention of the law, refused to register new groups. The Pentecostal Church pursued recourse through the MOI; however, at year's end it had not been registered.

Although the law stipulates that anyone who "blasphemes God publicly" may face imprisonment for up to one year, no prosecutions were reported under this law during the year.

The unwritten "National Pact" of 1943 stipulates that the President, the prime minister, and the speaker of parliament be a Maronite Christian, a Sunni Muslim, and a Shia Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but also codified increased Muslim representation in parliament and reduced the power of the Maronite President.

Religious affiliation is encoded on national identity cards and indicated on civil status registry documents but not on passports, and the Government complied with requests of citizens to change their civil records to reflect their new religious status.

The law provides that only religious authorities may perform marriages; however, civil marriage ceremonies performed outside the country were recognized by the Government.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity.

Societal Abuses and Discrimination.—Societal harassment and discrimination based on religion occurred, and the Government failed to prevent or punish such actions. There were approximately 100 Jews in the country and 6,000 registered Jewish voters who lived abroad but could vote in parliamentary elections.

During the year Hizballah directed strong rhetoric against Israel and the Jewish population, and it cooperated in the publishing and distribution of anti-Semitic literature. Lebanese media outlets such as Al-Manar TV, which is controlled and operated by Hizballah, as well as independent newspapers, such as Al-Nahar and Al-Mustaqbal, continued to publish anti-Semitic material and drew no government response.

On April 16, representatives from the Israeli Communal Council, the legally registered Jewish organization, reported acts of vandalism and theft committed against a Jewish-owned cemetery in downtown Beirut where Hizballah flags had been raised.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally re-

spected these rights for Lebanese citizens but placed limitations on the rights of Palestinian refugees.

The Government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature. Security forces were unable to enforce the law in the predominantly Hizballah Beirut southern suburbs and did not typically enter the Palestinian refugee camps.

The law prohibits direct travel to Israel. After the cancelation in 2005 of mandatory military service, there was no limitation on the travel of young men.

The law prohibits forced exile, and it was not used.

Internally Displaced Persons (IDPs).—According to international humanitarian organizations, a significant number of persons remained displaced from the 1975–90 civil war and the July 2006 war. Estimates from the Ministry of Displaced and the World Bank of persons displaced by the civil war range from 500,000 to 800,000, with an estimated 20–25 percent having returned home.

During the year there were no substantiated reports that the Government deliberately attacked IDPs or made efforts to obstruct access of international humanitarian organizations from assisting IDPs in returning to their residence. Similarly, there were no reports that the Government forcibly resettled IDPs.

The Government continued to encourage IDPs displaced during the 1975–90 civil war to return, reclaim their property, and rebuild their homes. Despite this encouragement, many have not attempted to reclaim and rebuild their property due to the hazardous social and economic situation in some areas.

The second primary category of IDPs is those individuals displaced during the July 2006 conflict between Israel and Hizballah. The Government encouraged the hundreds of thousands of internally displaced persons to return to their homes. According to the Internal Displacement Monitoring Center, at the height of the conflict, up to one million persons fled their homes; approximately 735,000 were internally displaced, while some 230,000 fled to neighboring countries. According to the Government's Higher Relief Council, more than 700,000 displaced persons and refugees returned to their homes. While the Office of the UN High Commissioner for Refugees (UNHCR) believed there was no official and reliable figure, according to its data on the number of houses completely destroyed and damaged, the UNHCR reported that 40,000–70,000 persons remained displaced at year's end.

During the 2006 conflict, the Government opened public schools to provide shelter for the individuals displaced from the south.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, but the Government has mechanisms to provide assistance. The Government cooperated with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. According to the UNHCR, the main theoretical protection against the refoulement of refugees was Article 3 of the CAT, to which Lebanon is a party. A number of judges have ruled that Article 3 was applicable to refugees, thus stopping their deportation or expulsion. However, this has not been systematic. Similarly, the SG has in most cases not implemented deportation orders against refugees, but there have been exceptional cases where Article 3 of the CAT was violated. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. According to the UNHCR, the Government has not officially provided temporary protection to refugees. However, in practice there has been a policy of tolerance that permitted many undocumented refugees not to be arrested or detained. This has been the case for the estimated 50,000 Iraqis.

A 2003 agreement between the SG and the UNHCR recognizes and grants protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status must do so within two months of arriving in the country. The SG issues residence permits, valid for three months, during which time the UNHCR must make a refugee status determination. The SG extended residency permits for up to 12 months for those accorded refugee status by the UNHCR. The Government granted admission and temporary (six months) refuge to asylum seekers but not permanent asylum. The SG sometimes arbitrarily detained asylum seekers at its detention facility for more than a year before deporting them.

UNRWA has the sole mandate to provide health, education, social services, and emergency assistance to Palestinian refugees residing in the country as well as in

the West Bank, Gaza, Syria, and Jordan. As of September 30, there were approximately 419,285 UNRWA-registered Palestinian refugees living in or near 12 camps throughout the country. The vast majority of Palestinian refugees were those displaced during the Arab-Israeli war of 1948 and their descendents. Additional Palestinians arrived in 1967 after the Six-Day War and in the 1970s after many were expelled from Jordan.

Palestinian refugees residing in the country were not able to obtain Lebanese citizenship and were not citizens of any other country. However, Palestinian refugee women married to Lebanese men were able to obtain citizenship and transmit Lebanese citizenship to their children. Palestinian refugees have limited social and civil rights, restricted access to governmental public health and education, and no access to public social services. The majority rely entirely on UNRWA for education, health, relief, and social services. Lebanon is the only country in which UNRWA operates secondary schools to address restricted access to public schools and the high costs of private schools. Palestinian refugees in the country have the worst socioeconomic situation in all of UNRWA's five fields of operations resulting in the highest percentage of Special Hardship Cases (SHCs). SHCs receive direct humanitarian support from UNRWA, including food aid, cash assistance, and shelter rehabilitation. There were approximately 50,144 registered SHCs during the year, which totaled 12 percent of the registered Palestinian refugee population in the country, in comparison with 9 percent in Gaza and 3 percent in Jordan.

According to a credible international human rights group, Palestinian refugees faced severe restrictions in their access to work opportunities and diminished protection of their rights at work. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. Some Palestinian refugees worked in the informal sector, particularly in agriculture and construction. Palestinian incomes continued to decline. In 2005 the minister of labor issued a memorandum authorizing Palestinian nationals born in the country and duly registered with the MOI to work in 50 (out of 72) professions banned to foreigners. However, there were no indications that this memorandum was implemented consistently.

Property laws do not explicitly target Palestinian refugees but bar those who are not bearers of nationality of a recognized state from owning land and property. Under this law Palestinians may not purchase property, and those who owned property prior to the 2001 issuance of this law are prohibited from passing it on to their children. The parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. All other foreigners may own a limited-size plot of land, but only after obtaining the approval of five different district offices.

The amount of land allocated to official refugee camps in the country has only marginally changed since 1948, despite a fourfold increase in the registered refugee population. Two refugee camps previously destroyed in the civil war were never reconstructed. Consequently, most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the 1975–90 civil war, the 1980s Israeli invasion of the country, continuing camp feuds, the July–August 2006 conflict between Israel and Hizballah, and the Mal–September 2007 Nahr al-Barid conflict. The Government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged refugee settlement in the country. Refugees frequently feared that the Government might reduce the size of the camps or eliminate them completely.

Over the last three years, the Government, in coordination with UNRWA, took concrete steps to improve relations between Palestinian refugees and the Lebanese community and address the housing conditions in the camps. In October 2005 Prime Minister Siniora supported the launch of UNRWA's multiyear Early Recovery Plan and Camp Improvement Initiative to support new infrastructure development projects, by improving housing and upgrading sewage, water, and electricity systems in the camps.

According to the Internal Displacement Monitoring Center, 16,000 Palestinian refugees were displaced at the height of the July 2006 conflict.

As a result of the Mal–September 2007 Nahr al-Barid conflict, an estimated 35,000 Palestinian refugees were displaced. The majority sought shelter with host families in the neighboring Beddawi camp in northern Lebanon, while several hundred families sought shelter in UNRWA as well as government-run schools throughout the north of the country. In October 2007 refugees began returning to the “new camp” along the periphery of Nahr al-Barid. In September UNRWA estimated that approximately 2,400 families had returned to the “new camp.” UNRWA estimated that there were approximately 5,300 families in the camp before the Nahr al-Barid conflict.

During and after the fighting in Nahr al-Barid in September 2007, the Government provided emergency relief, with assistance from UNRWA, the international donor community, and relief nongovernmental organizations (NGOs), to Palestinian refugees who had fled Nahr al-Barid. UNRWA, in coordination with the Government, provided temporary housing in schools in nearby Beddawi camp and started efforts to begin removing the rubble in preparation for new camp housing to be built. Most humanitarian assistance to refugees was provided through UNRWA's 2007 and 2008 Emergency Relief Appeal. At year's end small numbers of refugees had returned to areas adjacent to the camp; however, a full return was expected to take three years or longer. Among the most pressing concerns was ensuring temporary accommodation and emergency food assistance for refugee families, as well as addressing the loss of employment. Displaced communities raised concerns about their security and freedom of movement, as security measures tightened in response to sporadic clashes in northern Lebanon. In June UNRWA, the Government, and the World Bank launched a comprehensive three-year plan to rebuild Nahr al-Barid camp and surrounding communities.

Children of Palestinian refugees faced discrimination in birth registration and access to adequate housing, social security, and education. The Government did not provide health services or education to Palestinian refugees, who relied on UNRWA for these services. Many Palestinian children reportedly had to leave school at an early age to help earn income. Poverty, drug addiction, prostitution, and crime reportedly prevailed in the camps, although reliable statistics were not available.

At year's end the MOI had not rendered a decision on the legal status of approximately 4,000 persons who stood to lose Lebanese citizenship due to the State Consultative Council's 2003 decision to invalidate the 1994 naturalization decree, which naturalized several thousand Palestinians.

The Government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The Government did not issue visitors visas to Jordanian nationals who were born in the country and were of Palestinian origin.

After Palestinians, the next largest group of refugees in the country was Iraqis, of which there were more than 10,407 registered with the UNHCR at year's end; however, this number did not include a substantial number of Iraqi refugees who entered the country illegally in search of jobs, education, and security. According to the UNHCR, an estimated 50,000 Iraqis were living in the country. During the year the Government provided very limited services for Iraqi refugees and had no process for regularizing their status. Due to government inaction and Lebanon's not being a party to the 1951 Refugee Convention or the 1967 Protocol Relating to the Status of Refugees, there remained no temporary protection regime for Iraqi asylum seekers, as advocated by the UNHCR, and the Government regularly deported Iraqis who may have had valid persecution claims. According to a December 2007 HRW report, authorities during the year arrested Iraqi refugees without valid visas and detained them indefinitely to coerce them to return to Iraq. According to the SG, there were 16 detained Iraqis in the country at year's end. During the year the SG deported 183 Iraqis to Iraq for illegal immigration into Lebanon. From February 18 until June 18, the SG granted a grace period for illegal immigrants, including Iraqis, to regularize their status and allowed Iraqi detainees an additional three months to arrange for new sponsors in Lebanon if they did not wish to return to Iraq.

Stateless Persons.—There were approximately 3,000 Palestinian refugees who were registered neither with UNRWA nor with authorities. Also known as undocumented, or non-ID Palestinians, most moved to the country after the Palestinian Liberation Organization's (PLO) expulsion from Jordan in 1971 and faced increased protection issues after the PLO leadership departed Lebanon in 1982. Non-ID Palestinians were not eligible for assistance from UNRWA, faced restrictions on their movements, and lacked access to fundamental rights under the law. The vast majority of non-ID Palestinians were males, and UNRWA refugee and Lebanese women were unable to transmit their citizenship or refugee status to their husbands. In January the Government and Palestinian leaders struck a quiet agreement that would grant a new legal status to non-ID Palestinians. The Lebanese Palestinian Dialogue Committee (LPDC) was working with UNRWA to implement the Government's new policy by facilitating the issuance of identification cards to non-ID Palestinians.

There were thousands of Kurds who lived without citizenship despite decades of family presence in the country. Most were descendants of migrants and refugees who left Turkey and Syria during World War I but were denied the right to citizenship in order to preserve the country's fragile sectarian balance. The Government issued a naturalization decree in June 1994, but high costs and other obstacles pre-

vented many from acquiring official status. Approximately 75,000 Kurds resided in the country. At year's end an estimated 1,000 to 1,500 Kurds in the country lacked official status or held an "ID under consideration," which states no date and place of birth.

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

The law provides citizens the right to change their government in periodic, free, and fair elections; however, lack of control over parts of the country, defects in the electoral process, and corruption in public office significantly restricted this right.

Elections and Political Participation.—The law provides that elections for the parliament must be held every four years and that the parliament elects the President every six years. The President and the parliament nominate the prime minister, who, with the President, chooses the cabinet. According to the unwritten National Pact of 1943, the President must be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of parliament a Shia Muslim.

In 2004, amid evidence of heavy Syrian manipulation and coercion, parliament voted for a constitutional amendment extending the term of President Emile Lahoud to November 2007. Many citizens considered this amendment to violate the constitution. In September 2007 parliament was scheduled to meet to begin the process of choosing President Emile Lahoud's successor; however, because two-thirds of the members were not present, the speaker cancelled the session. In November 2007 President Lahoud stepped down at the end of his term and, as stipulated in the constitution, the powers of the presidency were transferred to the cabinet, led by Prime Minister Fouad Siniora, until the election of a new President. The speaker rescheduled the session 19 times due to internal political deadlock before President Michel Sleiman was elected on May 25.

In August 2007 parliamentary by-elections in Metn and Beirut were held to replace two seats vacated by the assassinations of MPs Pierre Gemayel and Walid Eido. The Lebanese Association for Democratic Elections monitored the elections and reported a few incidents of voter fraud, including instances in which voters used fake identity cards or national identity cards instead of the voter identity cards.

On September 29, parliament approved a new electoral law as part of the Doha agreement. The law established an independent election commission, abolished the voter card, and provided for one-day elections and regulation of campaign finance and media. Out-of-country voting provisions were also approved for the 2013 parliamentary elections.

Political parties could organize, seek votes, and publicize their views without government restriction. The political system is based on confessional lines, and parliamentary seats are allotted on a sectarian basis.

There were four major and numerous smaller political parties. The largest party in the parliamentary majority was the Future Movement, led by Saad Hariri. Its membership was predominantly Sunni, but Hariri's parliamentary bloc included a number of members from other sects. The Progressive Socialist Party, led by Walid Jumblatt, predominantly represented Druze interests and allied itself with the Future Movement. The Free Patriotic Movement, led by Michel Aoun, represented a significant portion of the Christian community. The party's leadership decided to remain outside the cabinet. Two smaller Christian parties were the Lebanese Forces, led by Samir Geagea, and the Phalange party, led by former President Amine Gemayel. The largest party representing the Shia community was Hizballah, a designated terrorist organization, led by Hassan Nasrallah. A smaller Shia party, Amal, was led by Speaker of Parliament Nabih Berri. While a number of smaller parties existed or were in the process of forming, the larger, sectarian-based parties maintained the greatest influence in the country's political system.

There were significant cultural barriers to women's participation in politics. Prior to 2005 no woman held a cabinet position; however, at year's end there was one woman who was selected as a member of the national unity cabinet formed on July 11.

Minorities were able to participate in politics to some extent. Regardless of the number of adherents, every recognized religion was given at least one seat in parliament. There were four parliamentarians representing minorities (one Evangelical, one Syrian Orthodox, and two Alawites.) Additionally, these minority groups held high positions in the Ministry of Foreign Affairs and the LAF. Palestinian refugees, however, had no political rights. An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were popular committees that met regularly with UNRWA and visitors.

Government Corruption and Transparency.—The Government provides criminal penalties for official corruption, but they were seldom enforced, and government corruption was a serious problem. Public officials were required by law to disclose their financial assets to the Constitutional Council; however, the information was not open to the public. The Court of Accounts, the Central Inspection Department, and the Disciplinary Board were charged with fighting corruption.

There are no laws regarding public access to government documents, and the Government did not respond to requests for documents.

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

A number of local and international human rights groups, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, the National Association for the Rights of the Disabled, the ICRC, and AI, generally operated freely without overt government restriction and investigated and published their findings.

Government officials generally were cooperative with NGOs; however, following the 2007 Nahr al-Barid conflict, the Government obstructed the visit of several international and domestic NGOs, including HRW, ALEF, the Palestinian Human Rights Organization (PHRO), and the Palestinian Foundation for Human Rights (Shahed), to the refugee camp to monitor the conditions of the return of IDPs. During the year the Government continued to deny ALEF the right to enter the camp and allegedly threatened the organization not to push its request any further.

The Government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations such as the ICRC. On May 27, the ICRC released its 2007 annual report on Lebanon. In February 2007, the Government signed an agreement granting the ICRC access to all detainees in the country and visits began in March 2007.

In conjunction with the UN Development Programme and the UN Office of the High Commissioner for Human Rights, the Human Rights Parliamentary Committee concluded during the year the first phase of its Human Rights National Action Plan by publishing 22 of the planned 24 background papers on various human rights topics. The thrust of the endeavor was the development of a roadmap that guides the ministries to amend the law where necessary and implement measures, such as improving prison conditions, needed to protect and ensure specific human rights.

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

The law provides for equality among all citizens; however, in practice, some aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, few accommodations were made for them. Discrimination based on race, language, or social status is illegal; however, foreign domestic servants often were mistreated, sometimes suffered physical abuse, had pay withheld or unfairly reduced, or were forced to remain locked within their employer's home for the duration of their contracts.

Women.—The law prohibits rape and the Government effectively enforced it. The minimum prison sentence for a person convicted of rape is five years, or seven years for raping a minor. Spousal rape was not criminalized. According to local NGO KAFA (Enough) Violence and Exploitation, 80 percent of domestic violence victims were exposed to spousal rape. Even though there were no official statistics on the number of abusers that were prosecuted, prosecution was rare according to KAFA.

The law does not specifically prohibit domestic violence, which, including spousal abuse, was a problem; however, there were no authoritative statistics on its extent. Despite a law prohibiting battery with a maximum sentence of three years in prison for those convicted, some religious courts legally may require a battered wife to return to her home in spite of physical abuse. Women were sometimes compelled to remain in abusive marriages because of economic, social, and family pressures.

The Government provided legal assistance to domestic violence victims who could not afford it; however, in most cases police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence against Women (LCRVAW), worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence. From January to August, the LCRVAW received 51 cases, excluding consultations it received on its hot line. From January to October, KAFA received 133 cases.

Foreign domestic servants, usually women, often were mistreated, abused, and in some cases raped or placed in slavery-like conditions. Asian and African female workers had no practical legal recourse available to them because of their low status

and isolation and because labor laws did not protect them. Because of the prevalence of such abuse, the Government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The legal system was discriminatory in its handling of honor crimes. According to the penal code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, while the penal code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honor crime, the sentence is commuted to seven years' imprisonment at most. According to a March 7 *Agence France Presse* article, although honor crimes were not widespread in the country, every year a number of women were killed by male relatives under the pretext of defending family honor. Several honor crimes that resulted in convictions were reported in the media.

Although the law on prostitution requires that brothels be licensed, including regular testing for disease, government policy was not to issue new licenses for brothels in an attempt gradually to eliminate legal prostitution in the country. Therefore, most prostitution was unlicensed and illegal. Some prostitutes were Eastern European and Russian women that entered the country for sexual exploitation. Women working in adult clubs were closely monitored by the SG. Their residency permits did not exceed six months, and they were deported if they were caught overstaying their permits. Most of the women entered the country knowing that they would be working in adult clubs.

The law prohibits sexual harassment; however, it was a widespread problem, and the law was not effectively enforced. Social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives.

Women suffered discrimination under the law and in practice. Women may own property but often ceded control of it to male relatives for cultural reasons and because of family pressure. The law provides for equal pay for equal work for men and women, but in the private sector there was some discrimination regarding the provision of benefits.

Many family and personal status laws discriminated against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. Immigration law discriminates against women, who may not confer citizenship on their spouses and children, except for widows, who may confer citizenship on their minor children.

Children.—There is legislation to make the country compliant with the UN Convention on the Rights of the Child, to which it has acceded. In order to follow up on the country's commitment to children's rights, the Government established in 1994 the Higher Council for Childhood (HCC) under the Ministry of Social Affairs. At year's end the HCC was working on a National Children Action Plan in conjunction with the appropriate parliamentary committees.

The Government did not register the births of children born in the country to Palestinian refugees or non-ID Palestinian parents, resulting in the denial of citizenship and restricted access to public services, including school and health care. In addition children of Lebanese mothers and Palestinian fathers were not granted citizenship. Palestinian refugee and non-ID children were restricted from attending public secondary schools because they lacked the identity documents required to sit for the intermediate schooling exam. However, according to the Secretary General of the HCC, although Palestinian refugee births were not officially registered, the SG had birth figures adding that some Palestinian refugees did attend public schools.

Other refugees that were in a similar situation to Palestinians included Iraqi, Sudanese, and Somali refugees.

According to an October 15 report by the Integrated Regional Information Networks (IRIN), children born in the country of migrant domestic workers had no official identity. For Sri Lankans, Filipinos, and West Africans, the law allows for a child who is already registered in a Lebanese school to have residency. Many children of domestic workers faced marginalization and racism because of their parents' social status; however, according to the NGO Caritas, marginalization and racism were not perceived to exist in schools. No accurate statistics on the number of children of domestic workers born in the country existed at year's end, although according to a Caritas estimate conducted in September, there were approximately 150 children of domestic workers born in the country.

In some families with limited incomes, boys received more education than girls.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and it remained a problem.

The country was a destination for eastern European, Russian, and Syrian women who were contracted as dancers in adult clubs and sexually exploited. Most of these women engaged in voluntary illegal prostitution, but some reported facing intimidation or coercion and having their movements restricted, while others were at risk as targets of abuse.

The country also was a destination for women from Africa and Asia, usually contracted as household workers. Some of these workers found themselves in situations of involuntary servitude under conditions such as restrictions on movement, withholding of passports, nonpayment of wages, threats, and physical or sexual assault with little practical legal recourse.

A high percentage of traffickers were employers and employment agencies.

Many women became illegal workers because their employers did not renew their work and residency permits or because they ran away from their employer. These women were subject to detention, rendering them vulnerable to trafficking when abusive sponsors used the women's illegal immigration status to intimidate them and coerce them into labor. Unscrupulous employers sometimes falsely accused the employee of theft to relinquish contractual responsibility for the employee as well as the taxes and a return airline ticket.

Employers often restricted foreign employees' movement and withheld passports.

The penal code stipulates that abduction be punished by hard labor and that abductors who engage in sexual exploitation be sentenced to at least one year in prison. According to the MOJ, there were no prosecutions or convictions during the year. NGOs and foreign embassies reported that many victims of exploitation and abuse preferred quick administrative proceedings, which resulted in monetary settlements and repatriations, instead of often lengthy and difficult legal proceedings. Court cases were often dropped before prosecution was completed. In March/April, SG investigators received training on investigative techniques. A small number of exploited foreign workers won cases against their employers, but nonjudicial action resolved the majority of these cases. As a result workers frequently were repatriated without further judicial action. A few cases were referred to the judiciary for further action, although the Government took minimal steps to prosecute traffickers.

The SG, which falls under the MOI, the MOJ, and the Ministry of Labor (MOL), are all responsible for combating trafficking in the country. The MOL regulates local employment agencies that place migrant workers with sponsors. During the year the MOL closed two employment agencies for a specified period and warned a number of others for noncompliance with MOL regulations.

The Government did not provide trafficking victims with relief from deportation, with shelter, or with legal, medical, or psychological services; however, the SG worked with Caritas Lebanon to provide some of these functions. The SG allowed Caritas social workers unrestricted access to its retention center for foreign persons where they provided detainees with counseling, assistance, and legal protection. The SG also continued to refer potential victims to Caritas. The SG sometimes granted victims permission to stay up to two months to assist in the investigation of their cases and the prosecution of their abusers. Once victims were identified as such, they were transferred to a safe house and Caritas was allowed to assist them.

The SG allows migrant workers who do not wish to be repatriated to their home country to legally change their sponsor with a "release paper" from the original employer. A court may order an abusive employer to provide such a release paper as part of a decision, or this may be part of a negotiated out-of-court settlement.

Two types of booklets explaining regulations governing migrant workers, including descriptions of their rights and responsibilities, were available upon request, or distributed as needed.

Persons With Disabilities.—Although prohibited by law, discrimination against persons with disabilities continued. The Civil Service Board, which is in charge of recruiting government employees, continued to refuse applications from persons with disabilities. The law mandates access to buildings by disabled persons; however, the Government failed to amend building codes. Approximately 100,000 persons were disabled during the 1975–90 civil war. Families generally cared for their own family members with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 relatively active but poorly funded private organizations.

Many persons with mental disabilities were cared for in private institutions, several of which were subsidized by the Government.

The law stipulates that at least 3 percent of all government and private sector positions be filled by persons with disabilities, provided that such persons fulfill the qualifications for the position. However, there was no evidence that the law was enforced in practice.

The Ministry of Social Affairs and the National Council of Disabled are responsible for protecting the rights of persons with disabilities. According to the President of the Arab Organization of Disabled People, little progress has been made since the law was passed, and progress was further hindered by the 18-month political deadlock.

National/Racial/Ethnic Minorities.—There were reports that Syrian workers, usually employed in manual labor occupations, continued to suffer discrimination following the 2005 withdrawal of Syrian forces. Many Syrian laborers also reportedly left Lebanon out of fear of harassment. No further data was collected on this situation during the year, and the true extent of the problem was unknown.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals persisted during the year. The law prohibits what is termed unnatural sexual intercourse, which is punishable by up to one year in prison. The law was sometimes applied to homosexuals.

There are no discriminatory laws against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, except government employees, may establish and join unions with government approval, and workers exercised this right in practice. The MOL must approve formation of any union. The MOL controlled all trade union elections, including election dates, procedures, and ratification of results. The law permitted the administrative dissolution of trade unions and forbade them to engage in political activity.

The GLC estimated that there were approximately 900,000 workers in the active labor force. Approximately 5 to 7 percent of workers were members of some 450 to 500 labor unions and associations, half of which were believed to be inactive.

The law provides that unions conduct activities free from interference; however, the MOL at times interfered in union elections and registered unions not considered representative. Unions also have the right to demonstrate; however, advanced notice and approval by the MOI are required.

Most unions belonged to federations.

There were 47 federations that were voting members of the GCL, five of which were considered illegal by the judiciary in 2007. Many others were reportedly unrepresentative and created by political interest groups to offset the votes of the 13 established labor confederations that represent workers. The GCL remained the only organization recognized by the Government as an interlocutor that represented workers. However, approximately 13 federations no longer participated in GCL meetings and created the so-called salvation committee of the GCL, but they have not declared an official breakaway.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions. Palestinian refugees are legally barred from entering certain unionized professions such as engineering, law, and medicine.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice, and the Government supported this right. Most worker groups engaged in some form of collective bargaining with their employers. No government mechanisms promoted voluntary labor-management negotiations. The law protected workers against antiunion discrimination, although common practice among private employers suggested otherwise.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, including by children; however, articles within the law prohibit behavior that constitutes forced or compulsory labor. Nevertheless, children, foreign domestic workers, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor. Women from Asia, Africa, Eastern Europe, and Russia were trafficked and forced to provide sexual or domestic services.

Recruitment agencies and employers were required to have signed employment contracts with the foreign worker. According to NGOs assisting migrant workers, however, these agreements were often undermined by second contracts signed in the source countries that stipulated lower salaries. Employers and agencies used these changes to pay the migrant a lower salary. Anecdotal evidence suggested that some

employers did not pay their workers on a regular basis and some withheld the salary for the duration of the contract, which was usually two years.

Government regulations also prohibited employment agencies from withholding foreign workers' passports for any reason. However, in practice employment agencies and household employers often withheld maids' passports.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, but the Government sometimes did not effectively enforce these laws. According to 2005 UNICEF statistics, 7 percent of children ages five to 14 were involved in child labor. The International Labor Organization estimated there to be 100,000 child workers during the year. Out of these, 25,000 were thought to be in the tobacco industry, and a large percentage worked in informal sectors of the economy, including construction, agriculture, and fisheries. Street children worked selling goods, polishing shoes, and washing car windows. Children also were engaged in various forms of child labor, including commercial sexual exploitation and working under hazardous conditions in several sectors, such as metal works, construction, automobile repair, welding, and seasonal agriculture.

The minimum age for child employment is 14 years. The law prohibits the employment of juveniles, defined as children between 14 and 18 years of age, before they undergo a medical exam to ensure their fitness for the job for which they are hired. The labor code prohibits employment of juveniles under the age of 18 for more than six hours per day and requires one hour of rest if work is more than four hours. Juveniles under the age of 17 are prohibited from working in jobs that jeopardize their health, safety, or morals, as well as working between the hours of 7:00 p.m. and 7:00 a.m. The law also prohibits the employment of juveniles under 16 in industrial jobs or jobs that are physically demanding or harmful to their health.

During the year there were reports of children trafficked within the country for the purpose of commercial sexual exploitation and labor in the metal works, construction, and agriculture sectors. Street children were particularly vulnerable. There were no official statistics on children being used for drug trafficking during the year.

The MOL's enforcement of these requirements slightly improved, as it worked to train its inspectors and recruit new ones. The MOL also worked to amend the law to include a list of the most hazardous forms of child labor. The Higher Council of Childhood provided education to families and children to help prevent child abuse.

e. Acceptable Conditions of Work.—On September 9, the Government approved an increase in the legal minimum wage from 300,000 pounds (\$200) to 500,000 pounds (\$330) per month, the first increase since 1996; however, despite the increase, it was difficult to provide a decent standard of living for a worker and family with the minimum wage.

The law prescribes a standard 48-hour workweek with a 24-hour rest period per week. In practice workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law stipulates that 48 hours is the maximum duration of work per week in most corporations except agricultural entities. A 12-hour day is permitted under certain conditions, including a stipulation that the overtime provided is 50 percent higher than the rate of normal hours. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The MOL was responsible for enforcing these regulations but did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their employment.

Some private sector firms failed to provide employees with family and transport allowances as stipulated under the law and to register them at the National Social Security Fund (NSSF). Employers sometimes registered their employees declaring lower salaries, in order to decrease their contribution to the NSSF and en—o.—service pay to the employee himself. Some companies also did not respect occupational health and safety regulations stipulated by the law. Workers are permitted to complain about violations to the GCL, an umbrella organization for trade unions, the MOL and the NSSF. In most cases, however, they preferred to remain silent for fear of arbitrary dismissal.

The law does not protect foreign domestic workers. Foreign domestic workers, mostly of Asian and African origin, were mistreated, abused, raped, or placed in situations of coerced labor or slavery-like conditions. Domestic workers often worked 18 hours per day and in many cases did not receive vacations or holidays. There was no minimum wage for domestic workers. Official contracts stipulate a wage ranging from 150,000 to 450,000 pounds (\$100 to \$300) per month, depending on

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the nationality of the worker. Victims of trafficking or abusive labor may file civil suits or seek legal action, but most victims, often counseled by their embassies or consulates, settled for an administrative solution, which usually included monetary compensation and repatriation. The Government did not release information on legal actions filed, but NGOs indicated that fewer than 10 legal actions were undertaken during the year.

On August 26, HRW reported that 95 domestic workers had committed suicide or fallen from tall buildings since January 2007 in efforts to escape forced confinement, excessive work demands, employer abuse, and financial pressures. The SG, Caritas, and employment agencies responded that HRW published an exaggerated number.

During the year the MOL closed two employment agencies for violations of workers' rights, including physical abuse. Perpetrators of the abuses, however, were not further prosecuted for a number of reasons, including the victims' refusal to press charges or a lack of evidence. An unknown number of other cases of nonpayment of wages were settled through negotiation. According to source country embassies and consulates, many workers did not report violations of their labor contracts until after returning to their home countries.

An employer accused of attempted murder was arrested in Beirut in September 2007 but released after a week. He was arrested again two days later when the district judge issued an arrest warrant. He was released again when the victim withdrew her complaint after the offender paid her 9,756,500 pounds (\$6,500) in compensation for damages. In another case two Nigerian male migrant workers were the victims of fraud. The trafficker who brought them in was arrested in June 2007, and the Nigerian men were given the chance to stay in the country pursuant to an exceptional decision made by the SG. In 2006 a judge awarded an Ethiopian migrant worker financial compensation to be paid by her abusive employer, which marked the first time a domestic worker was awarded compensation for physical abuse. The employer, however, was not criminally prosecuted for physical assault.

LIBYA

The Great Socialist People's Libyan Arab Jamahiriya is an authoritarian regime with a population of approximately six million, ruled by Colonel Mu'ammar al Qadhafi since 1969. The country's governing principles are derived predominantly from Colonel al-Qadhafi's Green Book ideology. In theory citizens rule the country through a pyramid of popular congresses, communes, and committees, as laid out in the 1969 Constitutional Proclamation and the 1977 Declaration on the Establishment of the Authority of the People. In 2006 Secretary of the General People's Committee al-Baghdadi al-Mahmoudi (prime minister equivalent) and the remaining delegates of the 760-member General People's Congress began three-year terms. In practice, however, al-Qadhafi and his inner circle monopolized political power. These authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor. Citizens did not have the right to change their government. Remaining problems included reported disappearances; torture; arbitrary arrest; lengthy pretrial and sometimes incommunicado detention; official impunity and poor prison conditions. Similarly, denial of a fair public trial by an independent judiciary, political prisoners and detainees, and the lack of judicial recourse for alleged human rights violations were problems. The Government restricted civil liberties and freedoms of speech, press (including Internet and academic freedom), assembly, and association. The Government did not fully protect the rights of migrants, asylum seekers, and refugees. Other problems included restrictions on freedom of religion; corruption and lack of transparency; societal discrimination against women, ethnic minorities, and foreign workers; trafficking in persons; and restriction of labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—On May 29, Mohammed Adel Abu Ali died in custody after being returned to the country when his asylum claim was denied in Europe. According to Human Rights Watch (HRW), he was tortured in detention. London-based Al-Sharq Al-Awsat reported that he belonged to the oppositionist "al-Tabu" Front for the Liberation of Libya.

There were no developments in the case of Hafeed Mansour al-Zwai, a prisoner at the Abu Salim Prison who reportedly was killed in clashes between prisoners and

guards in 2006. Opposition groups published articles in October 2007, the first anniversary of the clashes, criticizing the Government for failing to investigate.

Daif al-Ghazal, a prominent opposition journalist and anticorruption activist, was killed in 2005. According to the nongovernmental organization (NGO) Reporters without Borders (RSF), his family stated that a Tripoli court sentenced three unnamed individuals to death in connection with the case in July 2007. On July 24, Saif al-Islam al-Qadhafi, son of Muammar al-Qadhafi, conceded that officials killed al-Ghazal but claimed they had done so without official sanction. He called for public trials for the officials. There was no further information by year's end.

b. Disappearance.—In February 2007 security services arrested Abdulrahman al-Qutiwi and Juma'a Boufayed, along with 12 others who appeared subsequently in court to face criminal charges. Authorities did not bring al-Qutiwi and Boufayed to trial, and Juma'a Boufayed's whereabouts were unknown until authorities released him on May 27. They had detained him incommunicado for 15 months at an unknown location. The location of al-Qutiwi, reportedly a fourt.—year medical student, remained unknown at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but security personnel routinely tortured prisoners during interrogations or as punishment. Reports of torture were difficult to corroborate because detainees often were held incommunicado.

The reported methods of torture and abuse included chaining prisoners to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving detainees of sleep, food, and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; threatening with dog attacks; and beatings on the soles of the feet.

In 2007 the United Nations Human Rights Committee noted that corporal punishments, such as amputation and flogging, were rarely implemented, although sanctioned by law. Agence France-Presse (AFP) as well as opposition Web site Libya al-Youm reported that the Libyan lawyers' union alleged that unidentified individuals abducted, interrogated, and tortured lawyer Dhaw al-Mansuri on June 29. No further information was available at year's end.

On July 24, Saif al-Islam al-Qadhafi conceded that acts of torture and excessive violence had taken place in prisons. Al-Qadhafi denied government culpability, arguing that the individuals responsible for the torture had acted on their own initiative and were being tried within the legal system. At year's end, no information had been released on the progress of trials.

Ashraf Ahmad Jum'a al-Hajuj, a Palestinian medical professional who for eight years was held on charges that he deliberately infected Libyan children with HIV was released in July 2007. In January he filed suit in France and at the UN Human Rights Commission in Geneva, arguing that he was tortured repeatedly in detention. According to testimony obtained by AFP, the torture included rape by a German shepherd, fingernails ripped off, and electric shocks. He also testified that he was present when five Bulgarian nurses detained with him were tortured. He said most of the torture occurred during the early period after his imprisonment in 1999.

In an August 2007 interview, al-Hajuj provided a detailed account of these incidents, which included beatings, electric shocks, and injections with what police officers claimed was the HIV virus. According to his account, security services first arrested him in January 1999, forced him to wear a hood, and detained him without clothes in a 12-foot-square cell for 10 months. For several days he was detained in a room with three dogs, which police officers ordered to attack him as they attempted to extract a confession. Police also bent his knees against his chest, tied his hands and feet around his legs, threaded an iron bar through the rope and spun him around the bar "like a roasted chicken." For months, police forced him to sleep hanging from the wall with his hands tied behind his back.

Prison and Detention Center Conditions.—According to diplomatic missions and international organizations, prison and detention center conditions ranged from poor to adequate. Pretrial detainees, who reportedly accounted for more than half of the prison population, were held in the same facilities as convicts. Prison officials frequently held pretrial detainees for long periods.

Security forces reportedly subjected prisoners and detainees to cruel, inhuman, or degrading conditions and denied them adequate medical care.

International organizations did not have access to prisons and detention facilities in the country, except in migrant detention facilities. The International Committee of the Red Cross (ICRC) did not have an office in the country.

In March a medical doctor from the international NGO Physicians for Human Rights (PHR) and a representative from HRW visited political activist and al-Qadhafi critic Fathi al-Jahmi in the Tripoli Medical Center, where he was detained under 24-hour guard.

In November 2007 a group of Libyan activists abroad met to demand a government investigation into the 1996 Abu Salim Prison riot, in which a large but unknown number of prisoners died. The group alleged that security services killed 1,200 political prisoners in the riot. In 2005 the authorities established a committee to investigate the incident. Since 2001, according to the Swiss-based Libyan Human Rights Solidarity (LHRS) opposition group, government officials notified 112 of the 350 families in contact with the group that a family member died in the incident, but officials did not provide bodies or explain the causes of death. The remaining families did not receive confirmation from the Government on the status of their family members by year's end.

According to HRW, a North Benghazi court of first instance ruled in June that the state must reveal the identities of the dead from the Abu Salim riot and investigate the circumstances of their deaths. In a speech on July 24, Saif al-Islam al-Qadhafi acknowledged excessive use of force at the prison and called for public trials for officials who had directed the Government response, whom he claimed had acted on their own initiative and not under orders from the Government.

Following that speech, the Web site Akhbar Libya reported that the Government had agreed to compensate the families of 144 prisoners and that three families had refused the compensation.

According to the LHRS, Muhammad Bosadra, a prisoner who reportedly negotiated with guards during the incident, has been held incommunicado since 2005, when government officials moved him to an unknown facility.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but the Government did not observe these prohibitions. As in previous years, there were reports that security forces arbitrarily arrested and detained citizens during the year.

In October 2007 security services detained a regime critic, Fouad Nassar al-Mahmoudi, upon his return from a long stay abroad. At year's end al-Mahmoudi remained in incommunicado detention.

There were no developments in the case of Mahmoud Muhammad Boushima, a government critic resident abroad since 1981, whom police arrested during a 2005 trip to the country, according to an Amnesty International (AI) report.

Role of Police and Security Apparatus.—The country maintains an extensive security apparatus that includes police and military units, multiple intelligence services, local revolutionary committees, people's committees, and "purification" committees. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The legal basis of security service authority is unclear; citizens have no obvious recourse if they believe security services have exceeded their authority. Frequently cited laws are the 1971 and 1972 "Protection of the Revolution" laws, which criminalize activities based on political principles inconsistent with revolutionary ideology. Although the law prohibits arbitrary arrest and detention, in practice security services can detain individuals without formal charges and hold them indefinitely without court convictions.

Security forces committed serious human rights abuses with impunity, including the lengthy extralegal detentions of Boufayed, al-Hameed, and Boushima. They intimidated, harassed, and detained individuals without formal charges and held them indefinitely without court convictions, particularly in cases involving the political opposition. In addition, they regularly enjoyed impunity from criminal acts committed while performing their duties.

In November opposition members living abroad alleged that security forces battled Toubou tribesmen in the southeastern part of the country. Other observers within the country characterized clashes in the town of Kufra as societal violence between Toubou and Zawiya tribes. According to a November 20 report in MEED Business Intelligence, the initial deployment of security forces to quell the violence was insufficient, and unrest continued for more than one week, during which time authorities cut communication networks in the area and left locals without supplies for days. There were reports that between 11 and 30 civilians were killed in the fighting.

Arrest and Detention.—The law stipulates that detainees can be held for investigation after being arrested up to eight days. In practice security services can hold detainees indefinitely. Although the law requires that detainees be informed of the charges against them, it was not enforced in practice. The law states that in order to renew a detention order detainees must be brought before a judicial authority at

regular intervals of 30 days, but in practice security services detained persons for indefinite periods without a court order.

By law, bail must be set for pretrial detainees, and detainees must have access to counsel. A public defender must be appointed for anyone who cannot afford a private attorney. Detainees reportedly did not receive information on their right to legal representation during interrogation.

Incommunicado detention remained a problem. The Government held many political detainees incommunicado for unlimited periods in unofficial detention centers controlled by branches of the security services. The Government reportedly held political detainees, including as many as 100 associated with banned Islamic groups, in prisons throughout the country, but mainly in the Ayn Zara, Jadida, and Abu Salim prisons in Tripoli. Some human rights organizations and foreign diplomats speculated there were 2,000 political detainees, many held for years without trial. Hundreds of other detainees may have been held for periods too brief to permit confirmation by outside observers.

According to a 2006 HRW report, migrants and refugees in detention centers complained consistently of not being informed of the reason for their arrest, of lengthy periods of pretrial detention, and of restricted access to a lawyer.

Women and girls suspected of violating moral codes reportedly were detained indefinitely in "social rehabilitation" homes without access to legal representation or the opportunity to contest their detention in court.

Amnesty.—On April 8, authorities reportedly released 90 members of the Libyan Islamic Fighting Group (LIFG) after they renounced violence. In November 2007 Ayman al-Zawahiri of al-Qa'ida announced that LIFG had merged with al-Qa'ida in the Islamic Maghreb that September. The released members had served six to eight years as part of their prison terms, which ranged from 10 years to life.

On August 28, as a regular part of its annual Revolution Day commemoration, the Government reportedly pardoned 3,133 prisoners. Another 1,573 prisoners were pardoned on December 7 in honor of Eid al-Adha.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but it was not independent in practice. The law stipulates that every person has the right to resort to the courts, but security forces had the authority to pass sentence without trial, particularly in cases involving the political opposition. The Government used summary judicial proceedings to suppress domestic dissent. Mu'ammarr al-Qadhafi may, at his discretion, interfere in the administration of justice by altering court judgments, replacing judges, or manipulating the appeal system. The judiciary failed to incorporate international standards for fair trials, detention, and imprisonment.

The judicial system is composed of four tiers: the summary courts, the courts of first instance, the three courts of appeal, and the Supreme Court. The summary courts hear cases involving misdemeanors. The decisions of this court may be appealed to the courts of first instance, which are composed of chambers of three judges and have the authority to adjudicate in all civil, criminal, and commercial cases. Jurors of the court of first instance apply Shari'a (Islamic law) in family law cases. Cases from the courts of first instance may be appealed to the three courts of appeal, which are composed of three-judge panels. The Shari'a court of appeals hears cases from the lower Shari'a court.

The final court of appeal is the Supreme Court, composed of five separate chambers of five judges. The court has chambers for civil and commercial, criminal, administrative, constitutional, and Shari'a cases. The General People's Congress elects the presiding judge and other members of the Supreme Court.

The Higher Judicial Council, an extrajudicial body that reviews Supreme Court decisions for political implications, has the authority to overturn Supreme Court verdicts or grant amnesty in cases involving capital punishment.

The Supreme Council for Judicial Authority is the administrative authority of the judiciary that handles appointments, transfers, and disciplinary matters.

In August 2007 the Supreme Council for Judicial Authority established a state security court of appeals responsible for hearing national security cases. The court's portfolio includes cases stemming from three laws: Law 80 of the 1975 Penal Code stipulating the death penalty for offenses against the security of the state; Law 71 of 1972, which classifies as "treason" all independent political activity; and a 1969 revolutionary council decision that prohibits all forms of peaceful political opposition. Opposition groups raised concerns that defendants in cases before the state security court may be denied access to an attorney and that cases are conducted in secret.

Trial Procedures.—The law provides for the presumption of innocence, informing defendants of the charges against them, and the right to legal counsel. The pre-

siding judge appoints defense lawyers automatically, even if the defendant has declined representation. In practice defendants often were not informed of the charges against them and usually had little contact, if any, with their lawyers.

Political Prisoners and Detainees.—A large but unknown number of persons were in detention or prison for engaging in peaceful political activity or for belonging to an illegal political organization. The law bans any group activity based on any political ideology that is inconsistent with the principles of the 1969 revolution.

During the year authorities sentenced 11 men whom a state security court had convicted for attempting to foment rebellion and for conducting unauthorized communications with a foreign government; by year's end authorities released from custody nine of them. Before their arrest in February 2007 the original group of 14 men, led by Dr. Idriss Boufayed, had planned a peaceful demonstration calling for greater political openness. The group reportedly began a hunger strike in October 2007 to protest their lengthy pretrial detention in overcrowded cells and the alleged mistreatment of them.

On June 10, the court handed down prison sentences to Idriss Boufayed (25 years); Al-Mahdi Humaid, Al-Saidz Salih Humaid, Faraj Humaid, and Ali Humaid (15 years); Jamal al-Hajj (12 years); and Ahmad Yusef al-Ubaidi, 'Alaa al-Dirsi, Farid al-Zuwi, Bashir al-Haris, and Al-Sadiq Qashut (six years). Adel Humaid was found not guilty and released the same day. Juma'a Boufayed was released on May 28.

On October 8, authorities released Idriss Boufayed from custody, reportedly due to his advanced lung cancer. Boufayed was the head of the National Union for Reform, an opposition group he ran in exile for 16 years until his return to Libya in September 2006, two months before he was arrested the first time. According to opposition Web site Libya al-Yuom, the QDF facilitated Boufayed's travel to Switzerland on December 11 for medical treatment.

AI reported that authorities released eight of the remaining prisoners on December 7 and began the legal process to pardon them formally.

Two men remained in custody at year's end, Faraj Humaid and Jamal Ahmad al-Hajj, and the whereabouts of Abdulrahman al-Qutiwi were unknown. HRW maintained that authorities denied consular access to al-Hajj, who holds Danish citizenship.

Political activist and al-Qadhafi critic Fathi al-Jahmi remained in custody at year's end. Although in March the Government announced it had released al-Jahmi, at year's end he remained under 24-hour guard in the hospital. Authorities allowed al-Jahmi's family to visit him early in the year; after April, however, visits were significantly restricted.

With the exception of two weeks in 2004, al-Jahmi has been continually detained since 2002. Authorities rearrested him in 2004 after he called publicly for democratic reforms and gave press interviews criticizing the regime and calling for free media and free elections.

According to HRW, the Government contended it arrested al-Jahmi for telephoning foreign officials and "providing them with information with the purpose of making their countries hate the Great Jamahiriya" and for conspiring to serve the interests of a foreign country. The formal charges were attempting to overthrow the Government, slandering al-Qadhafi, and communicating with a foreign official without permission. Al-Jahmi's lawyer reportedly believed these charges could carry the death penalty.

The QDF facilitated the March visit of HRW and PHR to al-Jahmi. In this visit, Dr. Scott Allen, a physician with PHR, found that al-Jahmi was seriously ill. Although al-Jahmi's physical condition appeared to have improved since January, the lack of appropriate medical care before January led to a serious deterioration of his health since his rearrest in 2004. PHR reported that al-Jahmi suffered from diabetes, hypertension, and coronary artery disease. PHR assessed that despite his health problems, al-Jahmi was stable enough to be treated as an outpatient and that he should be released to seek medical care of his choosing.

According to HRW and PHR, a court ordered in 2006 that al-Jahmi be transferred to a psychiatric facility, where he was detained for approximately one year, although PHR did not find evidence of significant mood or thought disorders in its two visits. In July 2007 al-Jahmi was transferred to the Tripoli Medical Center. According to HRW and PHR, al-Jahmi's doctors said at the time of his transfer he was experiencing congestive heart failure.

There were no developments in the case of Abdel Nasser Younis Meftah al-Rabassi, who was sentenced to 15 years imprisonment in 2003 for posting an article on an Arabic-language Web site criticizing the corruption in the Qadhafi government. According to human rights activists and AI, he did not have access to ade-

quate medical care and was tortured, held incommunicado, and unable to hire his own attorney.

Civil Judicial Procedures and Remedies.—Citizens did not have access to courts to seek damages for, or cessation of, human rights violations. Security services intimidated, harassed, and detained individuals outside the legal system and without judicial oversight. In practice individuals did not have the right to seek redress for security service actions in civil court. Neither judicial nor administrative remedies generally were available for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but the Government did not respect the prohibitions. Security agencies often disregarded the legal requirement to obtain a warrant before entering a private home. They routinely monitored telephone calls and Internet usage, including e-mail communication with foreign countries.

Security agencies and the revolutionary committees oversaw an extensive network of informants engaged in surveillance for the Government. The Government threatened to seize and destroy property belonging to “enemies of the people” or those who “cooperate” with foreign powers. Exiled government opponents reported that authorities harassed their family members and threatened them with detention.

Authorities inflicted collective punishment on the relatives of individuals, particularly those of convicted oppositionists. Punishments by law include denial of access to utilities (water, electricity, and telephone), fuel, food, and official documents; denial of participation in local assemblies; and termination of new economic projects and state subsidies.

In November 2007 the UN Human Rights Committee noted the collective punishment of a community in Bani Walid, where security services reportedly burned the property of relatives of a political activist who had been arrested after calling for a multiparty system.

There were no reports of application of the “purge law” that provides for the confiscation of private assets above a nominal amount. The law describes wealth in excess of such unspecified amounts as “the fruits of exploitation or corruption.”

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech “within the limits of public interest and principles of the Revolution,” but in practice the Publication Act of 1972 severely limits the freedoms of speech and of the press, particularly criticism of government officials or policy. The Government tolerated some difference of opinion in people’s committee meetings and at the General People’s Congress. In August 2007 Saif al-Islam al-Qadhafi called for greater openness within the People’s Congress system but cautioned that all political speech must stay within four “red lines”: Islam, national security, territorial integrity, and Mu’ammar al-Qadhafi’s primacy in the political sphere. On August 20, Saif al-Islam al-Qadhafi reiterated the four “red lines” he had outlined in 2007 and emphasized that the primacy of Muammar al-Qadhafi was key among them.

The Government prohibited all unofficial political activities. By law, many forms of speech or expression may be interpreted as illegal. The wide reach of security services and broad networks of informants resulted in pervasive self-censorship.

The Government owned and controlled virtually all print and broadcast media. The official news agency, the Jamahiriya News Agency (JANA), was the designated conduit for official views. government-controlled media neither published nor broadcast opinions inconsistent with official policy. During the year the quasi-official 1/9 Media Group, a QDF subsidiary controlled by Saif al-Islam al-Qadhafi, launched a satellite television station, a radio station, and two independent newspapers. According to RSF, most of the journalists at these newspapers also work for official media outlets, and the newspapers were printed on the Government’s presses. Local revolutionary committees published several small newspapers.

Foreign publications were not widely available. In 2006 the 1/9 Media Group began distributing foreign publications domestically for the first time. In February 2007 QDF began distributing foreign Arabic-language publications through select news outlets, but one month later the QDF discontinued the distribution of all foreign publications. Some outlets in Tripoli had limited quantities of international weeklies. Although the publications law in theory restricts publishing rights to public entities, private companies were able to publish in practice.

Satellite television was widely available, but the Government blocked foreign programming at times.

Internet Freedom.—A single government-owned service provider offered Internet access. The number of Internet users was small but growing. According to 2007 data of the International Telecommunications Union, there were approximately 82,500

Internet subscribers and 260,000 users. The Government reportedly monitored Internet communications. According to a 2007 report by the OpenNet Initiative, an academic partnership, authorities regularly blocked opposition Web sites and occasionally blocked others, including those that advocated minority rights. During the year, however, most of these Web sites were accessible to users of the state-owned Internet provider; many Internet cafes operated via satellite connection to Europe, bypassing potential blocking by the state.

Academic Freedom and Cultural Events.—The Government severely restricted academic freedom. Professors and teachers who discussed politically sensitive topics faced the risk of government reprisal. Authorities frequently denied foreigners access to schools and university campuses.

All cultural events require advance government approval. Any group or individual seeking to organize a cultural event needs a government sponsor. The Government at times denied permission for musical performances and denied visa applications for foreign musical performers to visit the country.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law stipulates that “individuals may meet peacefully, and no police personnel are entitled to attend their meetings; moreover, they are not obliged to notify the police of such gatherings.” The law also provides for the right to hold public meetings in accordance with the regulations set by law. In practice, however, the Government severely restricted these rights and permitted public assembly only with its express approval and only in support of its positions.

Freedom of Association.—The Government restricted the right of association to institutions affiliated with the Government. The Government did not allow the formation of groups based on political ideology inconsistent with the 1969 revolution.

c. Freedom of Religion.—Although there is no explicit law guaranteeing religious freedom, in practice the Government generally respected the right to observe one’s religion. Islam is the equivalent of a state religion and is thoroughly integrated into everyday political and social life.

The Government regulated mosques, religious schools, and clerics to ensure all views were in line with the state-approved form of Islam. The Government strongly opposed militant forms of Islam, which it viewed as a threat to the regime.

The World Islamic Call Society (WICS), an international educational institution, operated a state-run university in Tripoli that provided Muslims outside the Arab world with a broad education in literature, history, science, and religion. WICS also organized vocational training programs, offered students exposure to international academic speakers, and maintained relations with local non-Muslim religious groups, including Christian churches. On October 27, WICS held its eighth General Congress in Tripoli, which included representatives from the Catholic, Anglican, and Orthodox churches.

Although there is no law prohibiting conversion from Islam, the Government prohibits efforts to proselytize Muslims and actively prosecutes offenders. The Government permitted Christian churches to operate freely but imposed a limit of one church per denomination per city and monitored religious services, including Islamic services, for evidence of political discourse. There were no official places of worship for Hindus, Buddhists, or Baha’is.

A noncitizen female who marries a Muslim citizen is not required to convert to Islam, but a noncitizen male must convert to Islam to marry a Muslim woman. The Government maintained the position that all citizens were Muslims.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups.

Although no statistics were available during the year, the country’s Jewish population was extremely small and possibly nonexistent.

The Government renovated a former Jewish school in Tripoli to serve as a city archive. There was no functioning synagogue. Discussions between the Government and representatives of the former Jewish community on possible compensation for Jewish communal property the Government confiscated after 1948 have been ongoing since 2004.

Mu’ammarr al-Qadhafi made statements denigrating Christians and Jews. In a March 19 speech, echoing statements in a March 2007 speech in which he declared that all those who did not practice Islam were “losers,” al-Qadhafi said the Christian Bible and the Jewish Torah are forgeries and that the original versions mentioned the Prophet Muhammad. Al-Qadhafi stated in a March 2007 interview that “Jews will go extinct because everyone hates them.”

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law stipulates that “each citizen, during times of peace, may move freely, choose the place where he or she wishes to live, and may return to the country and leave whenever he or she chooses.” The Government generally did not restrict the freedom of movement within the country, but freedom to travel outside the country was at times restricted by the arbitrary seizure or non-issuance of passports. When foreigners married to citizens entered the country, authorities routinely held the foreigners’ passports.

The law does not allow, nor did the Government impose, forced exile as a punishment. The Government continued to encourage dissidents abroad to return and publicly promised their safety. There were numerous reports, however, that the Government detained dissidents who returned from exile. The Government reportedly interrogated students returning from study abroad and at times discouraged students from studying abroad, claiming they would be recruited to work as foreign agents against the country.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government did not grant refugee status or asylum. The Government also has not established a system for providing protection to refugees.

As in previous years, the Government generally cooperated with the United Nations High Commissioner for Refugees (UNHCR), which has operated in the country assisting refugees and asylum seekers since 1998 and as an independent office since 2002, despite the absence of a formal memorandum of understanding.

The Government operated at least 10 detention centers for undocumented migrants and asylum seekers, among others. International organizations and some foreign diplomats had occasional access to these detention centers. UNHCR and the International Organization for Migration (IOM) had regular access to asylum seekers and irregular migrants in prisons and detention facilities. UNHCR staff was allowed to conduct private interviews with asylum seekers at government-operated detention facilities with facilitation by the quasi-NGO International Organization for Peace, Care, and Relief (IOPCR). UNHCR had regular access to government officials and detained refugees through IOPCR.

International observers reported gradual improvement in migrant detention conditions since 2005, in particular in medical services.

The law prohibits the extradition of political refugees. In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Although the Government did not target UNHCR-recognized refugees for forcible deportation, the Government regularly and forcibly deported foreigners without properly screening refugees and asylum seekers from economic migrants. AI reported that authorities took preliminary steps on June 21 to deport forcibly a group of 230 detained Eritrean asylum seekers but that UNHCR intervened on their behalf. At year’s end all 230 remained in detention.

Government sources claim to have returned to their country of origin 30,940 illegal migrants in 2007 of the estimated 1.5 to two million illegal migrants in the country. In January HRW reported that the Government claimed none of the undocumented foreigners in the country were refugees. During the year, according to international organizations working in the country, the Government became more rigorous in differentiating between legitimate refugees and asylum seekers and other economic migrants.

During the year UNHCR registered approximately 9,000 refugees, although UNHCR estimated there were approximately 30,000 in the country. Of the total refugee population, an estimated 3,500 were in regular contact with the UNHCR mission in Tripoli. During the year UNHCR reported an increase in the number of refugee applications, which contributed to an eight month waiting period for asylum seekers to receive an appointment with the organization. The majority of refugees were Palestinians, Iraqis, and Somalis, followed by smaller but growing numbers from Sudan, Eritrea, and sub-Saharan Africa.

The Government stipulates that any foreigner who enters the country illegally shall be deported. The Government operated detention camps to hold noncitizens pending deportation and did not routinely inform diplomatic representatives when their nationals were detained. Persons in detention camps reportedly were abused, including reports of sexual abuse of women. On April 6, in a case reported by AFP, authorities expelled 110 undocumented Malians who alleged that authorities beat them, detained them for months, and confiscated their savings and some property before repatriating them. International organizations also reported mass deporta-

tions of irregular migrants, including more than 200 Nigerians in September and approximately 400 Malians on November 8.

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

The country does not have a constitution, and citizens do not have the right to change their government. The country's governing principles stem from al-Qadhafi's Green Book, which combines Islamic ideals with elements of socialism and pan Arabism. The Green Book states that direct popular rule is the basis of the political system and that citizens play a role in popular congresses; in practice, however, al-Qadhafi and his close associates monopolized government decision-making.

Elections and Political Parties.—The Government prohibits the creation of and subsequent membership in political parties. The 1977 Declaration on the Establishment of the Authority of the People dictates how citizens exercise their political rights. The Government is structured in a pyramid of committees, communes, and congresses, each layer of which is involved in the selection of the next-higher level. Citizens participate through numerous organizations, including vocational, production, professional, and crafts congresses. Voting for leaders of the local congresses is mandatory for all citizens age 18 or older.

The elected secretaries of these various congresses and committees select the members of the highest legislative organization, the General People's Congress, which is composed of 760 members serving three year terms.

In theory, revolutionary committees, composed primarily of youth members, guard against political dissent and ensure that citizens adhere to sanctioned ideology. These committees approve candidates for the General People's Congress. In practice, however, revolutionary committees played an unclear role in enforcing official ideology, sometimes appearing increasingly marginalized and sometimes appearing active in political life.

Elections occur every three years. The people's congresses, the local bodies comprising all citizens, choose their leadership committees. The last renewal of people's congresses took place in March 2006. The election process continues through the hierarchy of people's congresses until the nationwide General People's Congress chooses the General People's Committee, which manages the daily affairs of the Government.

According to a 2007 UNDP report, women held 7.7 percent of the 760 seats in the General People's Congress. No reliable information existed on the representation of minorities in the Government.

Government Corruption and Transparency.—Laws stipulating criminal penalties for official corruption are unclear and inconsistently applied. The Administration Monitoring Board is the Government agency responsible for oversight of official activities and prevention of corrupt practices. Officials sometimes engaged in corrupt practices with impunity. Government corruption was perceived to be a severe problem, which, coupled with favoritism based on family and tribal ties, contributed to government inefficiency.

In a series of speeches in 2006, Muammar al-Qadhafi called for all senior government officials to declare their earnings and assets or risk unspecified punitive action by the state; at year's end, no clear deadline had been set for officials to comply.

The law does not provide for public access to government information, and the Government did not provide access in practice to citizens or foreign media.

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

Numerous government-sanctioned charitable associations operate in the country, but the Government prohibited the establishment of independent human rights organizations. Restrictive laws that imposed imprisonment for forming or joining international organizations without government authorization forced individuals wishing to carry out human rights work to operate abroad.

Associations engaging in unauthorized political activity were illegal. A government body known as the Libyan Arab Human Rights Committee did not release any public reports. The Libyan Society for Human Rights, operating under the sponsorship of the semiofficial QDF, followed government policy priorities rather than operating as an independent entity.

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

The law prohibits discrimination based on race, sex, religion, disability, or social status. The Government did not enforce these prohibitions effectively, however, particularly with regard to women and minorities.

Women.—The 1969 Constitutional Proclamation granted women equality under the law. In practice, however, traditional attitudes and practices continued to be used as reasons for discrimination against women. Shari'a governs inheritance, divorce, and the right to own property.

The law prohibits domestic violence, but there was no reliable information on the penalties. There was little detailed information regarding the extent of violence against women. Domestic abuse was rarely discussed publicly.

The law prohibits rape. The convicted rapist must marry the victim, with her agreement, or serve a prison term of up to 25 years.

The law does not distinguish between rape and spousal rape. According to government officials, spousal rape occurred and was resolved by "social solutions."

The law prohibits prostitution, but authorities tolerated it in practice.

The law does not prohibit female genital mutilation (FGM), which is foreign to the culture and society. There were reports that FGM occurred in remote areas of the country within African migrant communities.

Women and girls suspected of violating moral codes reportedly were detained indefinitely without being convicted or after having served a sentence and without the right to challenge their detention before a court. They were held in "social rehabilitation" homes, which provided social services, including education and health care. Many detained in these facilities had been raped and then ostracized by their families. The Government stated that a woman was free to leave a rehabilitation home when she reached "legal age" (18 years), consented to marriage, or was taken into the custody of a male relative. According to HRW, most were transferred to these facilities against their will, and those who came of their own volition did so because no genuine shelters for survivors of violence exist. HRW maintained that the Government routinely violated women and girls' human rights in "social rehabilitation" homes, including violations of due process, freedom of movement, personal dignity, and privacy.

The law criminalizes sexual harassment, but there were no reports on how this law was enforced in practice.

The Department of Social Affairs under the General People's Committee secretariat collects data and oversees the integration of women into all spheres of public life. Women did not hold any cabinet-level offices in the Government, though the General People's Congress has a representative for women's affairs.

The General Union of Women's Associations, which the Government established as a network of quasi-nongovernmental organizations, addresses women's employment needs. According to a 2005 International Labor Organization (ILO) report, 32 percent of women older than 15 years were economically active. Traditional restrictions continue to discourage some women from playing an active role in the workplace.

The Government is the country's largest employer. Civil service salaries are set by education and experience. Women and men with similar qualifications are paid at the same grade for positions that are substantially similar. The emerging private sector does not formally discriminate on the basis of gender for access to employment or credit, although cultural conceptions of gender roles reduce women's involvement in the economy.

Educational differences between men and women have narrowed, but a significant proportion of an older generation of rural women did not attend school and instilled in their children traditional beliefs, such as preserving women's subservient role in society.

Children.—The Government generally protected children's rights and welfare.

The Government subsidized primary, secondary, and university education, and primary education was compulsory until the age of 15. In July 2007 the Government amended the law to impose high fees on noncitizens enrolled in primary and secondary schools, prompting many foreigners to leave the country. The UN Human Rights Committee noted that schools discriminate against children born out of wedlock.

According to a 2003 UNDP report, 96 percent of school age children attended primary school and most reached at least a sixth grade level; 53 percent of girls and 71 percent of boys attended secondary school.

The Government subsidized medical care and improved the welfare of children, but general economic mismanagement led to a low standard in medical services. Boys and girls enjoyed equal access to medical care.

The law prohibits child abuse, and that prohibition was respected in practice.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to the country for commercial sexual exploitation and forced labor purposes.

The country was both a transit point for trafficked persons en route to Europe and a destination country for victims from sub-Saharan Africa and South Asia. International observers estimated that 1 to 2 percent of Libya's 1.5 to two million foreign residents may be victims of trafficking.

The law does not expressly criminalize trafficking for purposes of sexual exploitation or involuntary servitude, and the Government provided no information on prosecutions related to trafficking offenses. On February 17, the Government agreed to repatriate 26 Indian nationals whom an agent reportedly convinced to work for a local company, where they were paid low wages and locked up when they complained. The company agreed to pay five months' wages and airfare to India.

There were no reports of any government participation in, or facilitation of, trafficking in persons.

As in previous years, the Government did not provide adequate protection to victims of trafficking. The Government failed to screen vulnerable populations adequately to identify trafficking victims. Victims were susceptible to punishment for unlawful acts committed as a result of being trafficked, including unlawful presence in the country, working without a valid work permit, and engaging in prostitution. Trafficking victims, intermingled with economic migrants, may have been deported without receiving medical, psychological, or legal aid.

During the year the Government took steps to prevent trafficking in persons by supporting a series of training workshops for members of the law enforcement community and select government-sponsored charity associations to raise awareness of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law provides for the rights of persons with disabilities and provides for monetary and other types of social care. There were a number of government approved societies that care for persons with disabilities. Access to employment, education, health care, and other state services was generally protected.

National/Racial/Ethnic Minorities.—Arabic speaking Muslims of mixed Arab Amazigh (Berber) ancestry constituted 97 percent of citizens. The principal minorities were Amazighs and Tuaregs. Both minority groups are predominantly Sunni Muslims but identify with their respective cultural and linguistic heritage rather than with Arab traditions. Several nomadic groups live in areas along the country's desert borders, including members of Tuareg and Toubou tribes. The country is home to an estimated 1.5 to two million foreign workers. Of those nearly one million are thought to be of Sahelian or Sub-Saharan African origin in the country as irregular migrants.

During the year the Government took steps to alleviate discrimination against the country's Berber minorities. In 2007 the Government abolished a law prohibiting the use of Amazigh and Tuareg names. Unlike in previous years, limited exhibitions of Amazigh culture were permitted, including a televised history program. The written Amazigh language was allowed on more signs, but reportedly was still forbidden in official contexts.

Berber Web site Tawalt.com reported that Revolutionary Committee members targeted Berber leaders near Yefren on December 24. Demonstrators reportedly chanted anti-Berber slogans, vandalized properties, and physically confronted counter protesters. Opposition Web sites alleged the individuals acted in collusion with local police.

According to MEED Business Intelligence, the Tabou minority faced discrimination in the town of Kufra. Authorities reportedly withdrew citizenship from members of the Tabou tribe in Kufra during the year, and local authorities reportedly issued decrees barring members of the Tabou tribe who did not have Libyan citizenship from access to education and health care services.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons living with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law prohibits independent association; workers are allowed, however, to join the government-organized General Trade Union Federation of Workers. The Federation played an active role in the International Confederation of Arab Trade Unions, the Organization of African Trade Union Unity, and the World Federation of Trade Unions. The Government required candidates for

trade union office to be citizens. Active government employees are often enrolled automatically.

The law does not give workers the right to strike, and there were no reports of strikes during the year. Although trade unions have existed officially for more than 25 years, workers historically have seen them as idle organizations. Recent anecdotes indicate that unions are taking a more active role in petitioning for workers' rights, such as a reported 2007 intervention to secure back pay for employees of the National Oil Corporation. No information was available on any additional mechanisms to protect workers' rights.

b. The Right to Organize and Bargain Collectively.—The law circumscribes the conduct of union activities, and collective bargaining is restricted in practice. For example, the Government must approve all collective agreements between unions and employers to ensure that they are in line with the country's economic and social objectives.

A free trade zone in Misrata officially opened in 2004, although through year's end it was not operating.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits any form of forced or compulsory labor, including by children, although there were some reports of forced labor of migrant workers, particularly in the construction sector, after they were smuggled into the country.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids children under the age of 18 from employment, except when it is a form of apprenticeship. There was no information available on the prevalence of child labor.

No information was available concerning whether the law limits working hours or sets occupational health and safety restrictions for children. The General People's Committee for Manpower, Employment and Training is responsible for preventing child labor.

e. Acceptable Conditions of Work.—The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours. In 2006 the Government shortened the legal workweek from 48 to 40 hours. The law stipulates the minimum wage, standard working hours, night shift regulations, dismissal procedures, and training requirements. The law does not specifically prohibit excessive compulsory overtime.

The Green Book forbids wages, so workers are paid in the form of "entitlements." Although some public sector categories, such as professors, have seen wage increases in recent years, a freeze imposed more than a decade ago continues to depress earnings. In 2006 the Government raised the minimum wage to 130 dinars (\$105) per month for a single person, 180 dinars (\$146) for a married couple, and 220 dinars (\$178) for a family of more than two. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the Government heavily subsidized rent, utilities, and government workers received an additional 130 dinars (\$105) per month for basic food staples during the year.

Labor inspectors were assigned to inspect places of work for compliance with government-defined health and safety standards, and the law grants workers the right to court hearings regarding these standards. Certain industries, such as the petroleum sector, attempted to maintain standards that foreign companies set. There was no information whether workers could remove themselves from an unhealthy or unsafe work situation without jeopardizing their employment.

Foreign workers reportedly constituted 1.6 million of the 3.2 million person work force in 2004, but the labor law does not accord foreign workers equal treatment. Only foreign workers who have work contracts, a fraction of the total, are covered under the laws on acceptable conditions of work, as other migrants are considered to be in the country illegally. Authorities permitted foreign workers to reside in the country only for the duration of their work contracts, and they could not send more than half of their earnings to their home countries. They were subject to arbitrary pressures, such as changes in work rules and contracts, and had little option other than to accept such changes or depart the country. Many foreign workers were deported arbitrarily for not having newly required work permits for unskilled jobs they already held. In practice, the Government had no practical means to track foreign workers or remittance flows, relying instead on the threat of deportation and random round-ups to exercise authority.

2009

MOROCCO

Morocco is a monarchy with a constitution, an elected parliament, and a population of approximately 34 million. According to the constitution, ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers and appoints or approves members of the Government. The King may dismiss ministers, dissolve the parliament, call for new elections, and rule by decree. In the bicameral legislature, the lower house may dissolve the Government through a vote of no confidence. The September 2007 parliamentary elections for the lower house went smoothly and were marked by transparency and professionalism, according to international observers, and the elections were judged relatively free from irregularities. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change the constitutional provisions establishing their monarchical form of government or the establishment of the practice of Islam. Reports of torture and other abuses by various branches of the security forces persisted, and prison conditions remained below international standards. Reports of arbitrary arrests, incommunicado detentions, and police and security force impunity continued. Politics, as well as corruption and inefficiency, influenced the judiciary, which was not fully independent. The Government restricted freedoms of speech, religion, and the press. Corruption was a serious problem in all branches of government. Trafficking in persons continued, and child labor, particularly in the unregulated informal sector, remained a problem.

RESPECT FOR HUMAN RIGHTS

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

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

On April 28, a set of human remains were discovered at the Civil Protection (Fire Department) barracks in Nador. The local prosecutor, forensic units, and the Consultative Council on Human Rights (known by its French acronym CCDH) linked the remains to security force abuses in 1984. On May 13, human remains were discovered in El Jadida, and an initial investigation dated them to 40 years ago. At year's end, authorities continued to investigate the new sites, process DNA evidence, and inform relatives.

As in previous years, there were reports of deaths of Sub-Saharan migrants trying illegally to enter the Spanish enclave of Melilla. Arrests and beatings continue on the borders, principally on the Spanish side.

A person was killed on December 31 when 80 illegal migrants attempted to force their way into Melilla by overwhelming the Moroccan guards manning the border fence. Moroccan police fired warning shots, one of which fatally injured one of the people climbing the barrier. Another individual was injured.

b. Disappearance.—There were no reports of politically motivated disappearances. In 2006 the Justice and Reconciliation Authority (known by its French initials, IER), formed to investigate forced, long term disappearances of opponents of the Government between independence in 1956 and 1999, issued a final report. The report stated that 742 disappearances had been resolved, but that 66 remained for investigation by a successor organization, the CCDH. Human rights groups and families continued to claim that the IER did not acknowledge all cases of disappearances, many from the Western Sahara.

In November 2007 the CCDH stated that it had completed the compensation and identification process for Morocco and Western Sahara (approximately 2,000 cases), with the exception of 24 cases, including that of missing independence activist Mehdi Ben Barka, who disappeared in France in 1965. The Government announced it had issued benefits to 12,000 families and individuals and extended coverage to a total of 45,000 individuals through joint and extended family coverage health care cards to individuals with approved cases.

The Government further reported that the CCDH launched three initiatives in 2007 and 2008 totaling approximately 57 million dirhams (\$6.9 million), as part of its regional reparation program to address lingering issues in areas affected by adverse governmental policies between the 1970s and 1990s. Implementation of projects and disbursements under this initiative continued during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government denied the use of torture. According to domestic and international human rights organizations, prisoners, and detainees, however, members of the security forces tortured and abused individuals in their custody. The penal code stipulates sentences of up to life imprisonment for

public servants who use or allow the use of violence against others in the exercise of their official duties.

While there has been a marked diminution of allegations of abuse by Moroccan security officials in Western Sahara (see separate report), there have been multiple allegations of abuse and torture levied against a police official in southern Morocco. The officer, who previously served in Western Sahara, was the subject of multiple abuse complaints in both locations. The Government reported that it had investigated the allegations against the officer in both locations and determined that they were politically motivated and took no action.

In May during violent student demonstrations to protest 22 cases of food poisoning at Alqadi Ayad University in Marrakech, Qadimi El Ouali fell from a fourth floor window and was paralyzed. Activists charged that security officers threw him from the building.

According to the ministry of justice (MOJ), the Government prosecuted six members of the gendarmerie for cases related to abuse of citizens. Another case resulted in a not guilty verdict, and cases against four individuals were pending at year's end. The national police (DGSN) did not bring any abuse cases against its members. In February authorities released two officers convicted and sentenced to 10 years' imprisonment in 2007 for the 2005 beating death of Western Saharan activist Hamdi Lembarki. Their sentences were reduced to time served following the death of another policeman during disorders in Tan Tan. Verdicts remained unknown in most of the 17 cases prosecuted in 2007.

In May authorities released union activists Abd el Rehim Qarad and Mahdy El Barboushy, whom police arrested during a demonstration in May 2007 for insulting the monarchy. The two men claimed police extracted their signed confessions through torture.

In July 2007 the Government opened the trial of 52 individuals arrested in 2006 as part of the so-called Ansar El Mehdi case on charges of conspiring to overthrow the monarchy through terrorism. Many of the defendants claimed to the media, non-governmental organizations (NGOs), and in court that they had been tortured and mistreated. They were denied permission to call witnesses, and in February the defendants were sentenced to 25 years in prison.

In 2006 the Government enacted an antitorture law requiring judges to refer a detainee to a forensic medicine expert if asked to do so or if judges notice suspicious physical marks on a detainee. During the year, according to the Government, at least 15 cases were referred to doctors. In one of those cases, the doctors found sufficient evidence of injury to warrant further investigation. Results of that investigation and the three cases that warranted further investigation in 2007 were not available at year's end.

Prison and Detention Center Conditions.—Prison conditions remained poor and generally did not meet international standards. Extreme overcrowding, malnutrition, and lack of hygiene characterized the poor conditions inside prisons. In a November 2007 report, the NGO Moroccan Observatory of Prisons (OMP), a government-subsidized human rights organization, stated that the prison system was overcrowded and failed to meet local and international standards. It also stated that current prison capacity was sufficient for only half of the prison population. Approximately 60,000 detainees lived in less than 16 square feet per person. Pretrial detainees were not held separately from convicts.

In April, after nine prisoners escaped from Kenitra prison in central Morocco via a tunnel they had dug over the course of a year, the King transferred responsibility for prison management from the MOJ to a newly created Directorate.—General for Prison Administration.

Juveniles are sometimes held together with adults, particularly in pretrial detention and in police stations. Political prisoners are held in the same facilities and manner as ordinary criminals.

Human rights activists continued to dispute the circumstances of Dada Ould Hama Ould Nafaa's July 2007 death in Agadir, which was blamed on poor or inadequate medical care while he was incarcerated.

During the year NGOs continued to call for an investigation into prison deaths and violations of prisoners' rights that allegedly led to a mass hunger strike at Sale prison in September and October 2007. Police violently broke up a sit-in in June organized by al-Nassir, a local NGO support group for Islamist prisoners, after a photo showing an officer striking one of the prisoners' wives sparked public protest and condemnation on a Web site affiliated with Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM). The Government responded by detaining the photographer for several hours.

The Government permitted visits during the year by independent human rights observers, including local and international human rights groups and the media. The Government permitted the OMP and other NGOs, such as Relais Prison, to visit prisons and detention centers unhindered to observe conditions, hear complaints, and conduct programs. However, visits by international donors ceased. During the year the International Committee of the Red Cross did not visit any prisons.

d. Arbitrary Arrest or Detention.—The law does not prohibit arbitrary arrest or detention, and police used both practices. Police did not always observe due process. In practice, according to local NGOs and associations, they did not always identify themselves when arresting suspects or always obtain warrants. Police reportedly held some detainees without charging them.

Role of the Police and Security Apparatus.—The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN) manages the border and immigration services, as well as internal law enforcement, and reports to the Ministry of Interior (MOI). The General Directorate of Territorial Security (known by its French acronym, DGST) and the auxiliary forces are separate entities with security responsibilities that also report to the MOI. The Royal Gendarmerie reports to the Ministry of Defense and is responsible for law enforcement in rural regions and on national highways. The judicial police—the main federal investigative body—is a hybrid DGSN/MOJ entity. It investigates violations of the penal law, terrorism, organized crime, and white-collar crime under MOJ prosecutors. The Department of Royal Security reports to the palace.

Corruption and impunity remained problems and impacted police effectiveness. The MOI increased investigations of police abuse and corruption, but the investigations rarely resulted in reported disciplinary action or judicial proceedings. Cases usually languished in the investigatory or trial phases without reaching resolution.

In February six prison guards were sentenced to between two months suspended and four years' imprisonment on charges of forgery, corruption, and aiding a prisoner in escaping from custody. On December 30, two gendarmes were arrested after they were caught receiving bribes. One was sentenced to five years in prison, and the other awaited trial at year's end. Authorities arrested 30 non-commissioned officers in the gendarmerie on corruption charges. Of those, 16 were sentenced to between two months and six years' imprisonment, and 14 remained in custody awaiting trial.

In August 2007 the police chief in Rabat was charged with participation in a drug smuggling and prostitution ring. His case was pending at year's end.

In December 2007 three gendarmes in Inezgane were convicted and sentenced to one year in prison and fired from the gendarmerie for accepting a bribe to help convince a woman to withdraw her charges of rape. The MOJ prosecuted six members of the gendarmerie for cases related to abuse of citizens. Another case resulted in a not guilty verdict and cases against four individuals are pending. The DGSN did not bring any abuse cases against its members.

In 2007 six security agents, three members of auxiliary forces, three civil servants from the MOI, and 11 others were sentenced to between three and five years in prison for acquiring forged documents to receive government benefits fraudulently.

Arrest and Detention.—Police may make an arrest following a general prosecutor's issuance of an oral or written warrant. In practice warrants were sometimes issued after the fact. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention, during which police interrogated detainees and abuse or torture was most likely to occur.

Under the antiterrorism law, after the first 96 hours two additional 96-hour extensions are allowed at the prosecutor's discretion. Under the law a person may be detained without trial for up to one full year while an investigating magistrate completes his work.

At year's end as many as half the inmates of prisons were awaiting trial. The law provides for a limited system of bail, but bail was rarely granted. The law does not require a written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

According to the law, all defendants have the right to be represented by attorneys and, if a defendant cannot afford private counsel, a court-appointed attorney must be provided when the criminal penalty exceeds five years in prison. In practice, effective counsel was not always provided. The police were required to notify a person's next-of-kin of an arrest as soon as possible after the initial 48-hour, incommunicado detention in nonterrorism cases, unless arresting authorities applied for, and

received an extension from a magistrate, but this provision was not always respected. Because of delays in notifying family, lawyers sometimes were not informed promptly of the date of arrest and were not able to monitor compliance with administrative detention limits, which authorities exceeded when individuals were suspected of links to terrorism. Several defendants in the Ansar El Mehdi case waited as long as eight months before being allowed to consult a lawyer, forcing delays in the mass trial.

The Association El Nassir, an NGO that advocates on behalf of jailed Islamists, estimated that 200 individuals remained in custody without charge at the end of 2007 as a result of terror-related dragnets.

As in recent years, law enforcement efforts continued to focus arrests more narrowly than the previous broad dragnets used following the 2003 Casablanca attacks. Police disrupted six suspected terrorist cells during the year and arrested more than 100 individuals.

Amnesty.—Royal pardons were used as the principal judicial mechanism for early release and functioned instead of a parole system. During the year, 3,787 prisoners received royal pardons.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but in practice the courts were not always independent. According to observers, corruption remained prevalent. Judges also did not consistently base rulings on new laws and at times referred to outdated laws in their decisions, resulting in inefficiency as well as miscarriages of justice.

There are four levels in the common law court system: communal and district courts, courts of first instance (regional courts), the appeals court, and the Supreme Court. All decisions made in criminal and civil matters in which the penalty exceeds 330 dirhams (\$40) may be appealed to the courts of first instance. The regional courts are subdivided into civil, commercial, administrative, penal, and rabbinical sections. Cases may be appealed from the regional courts to the appeals court. There were no restrictions on appeals at this level.

At the Government's discretion, serious state security charges, such as those relating to the monarchy, Islam, or territorial integrity (in practice, advocating independence for the Western Sahara) may be brought against civilians before a tribunal convened by the MOI.

Trial Procedures.—The law provides for the right to a fair public trial for all citizens. However, according to NGOs, a fair public trial did not always occur in practice, especially for those protesting the incorporation of Western Sahara into Morocco. Juries are not used, following principles of the Napoleonic legal system.

Although accused persons generally are brought to trial within the initial period of two months, prosecutors may request up to five additional two-month extensions of pretrial detention. An accused person therefore may be kept in detention for up to one year prior to trial. Defendants are presumed innocent.

According to the law, all defendants have the right to be represented by attorneys. If a defendant cannot afford private counsel, a court appointed attorney is provided when the offense carries a maximum sentence of more than five years. However, attorneys were not appointed consistently, or if provided, were poorly paid, often resulting in inadequate representation. Judges sometimes denied defense requests to question witnesses and present mitigating witnesses or evidence. Defendants are given the right to be present at their trial and to timely consultation with an attorney, although these rights were not always applied in practice. Defendants generally have access to government evidence, but are sometimes prevented or hindered from calling mitigating witnesses.

Individuals are arraigned before a court of first instance. If the judge determines that a confession was obtained under duress, the law requires that it be excluded from evidence. Human rights NGOs, however, charged that judges decided cases often on the basis of forced confessions, especially in cases of Islamists accused of terrorism or in the cases of some Sahrawis. Police statements about detainees were sometimes used in place of defendants' confessions.

The Supreme Court may overturn an appellate court's ruling on procedural grounds only. As a result, appeals to the Supreme Court were infrequent. An investigation by an examining magistrate was mandatory only when life imprisonment or the death penalty was a possible penalty.

Family courts generally adjudicated divorce and child custody cases according to the family law. These courts addressed family issues for Muslim citizens, and judges were trained in Shari'a (Islamic law) as applied in the country and in the requirements of the 2004 family law. Family matters for Jewish citizens were handled by the parallel legal system available to them.

Political Prisoners and Detainees.—The law does not distinguish political and security cases from common criminal cases. The Government did not consider any of its prisoners to be political prisoners. The Government stated that it detained individuals under criminal law only. Several NGOs, including the Moroccan Association for Human Rights (AMDH), Sahrawi organizations, and Berber activist groups, however, charged the Government with detaining persons for political activities or beliefs under cover of criminal charges, such as AMDH members arrested for shouting antimonarchy slogans.

On April 13, police arrested Sahrawi activist Enaama Asfari in Marrakech after a night-time traffic altercation. He said that three plainclothes policemen slapped, punched, stripped, and kicked him, including in the stomach and on the soles of his feet, and burned him with cigarettes. They subsequently took him to a hospital for treatment, but when he requested a medical certificate of injury, he was whisked away. According to Asfari, he was later forced to sign a statement he had not written or read, admitting to drunk driving, and did so to stop the beatings. He was denied the opportunity to contact his family. During the trial the judge refused to allow a medical examination. Authorities expelled Asfari's wife and two other trial observers from Tan Tan and then the country for incitement. He was sentenced to two months in prison and fined 3,000 dirhams (\$420) and was freed on June 13.

On October 27, according to Amnesty International (AI) and Sahrawi activists, Mustafa Abdel Dayem, a member of both the AMDH and the Sahrawi Journalists' and Writers' Union, was arrested in Assa following antigovernment protests by Sahrawis. While Abdel Dayem claimed not to have participated in the protests, he admitted to having lowered the national flag from the secondary school where he worked as a security guard. He explained that his action was intended to show his support and solidarity with the demonstrators and his opposition to the intervention of law enforcement officers to break up the protests.

On November 4, the Court of First Instance of Guelmim sentenced Mustapha Abdel Dayem to a three-year prison term and a fine of 50,000 dirhams (\$6,220) and forbade him from working in the educational sector for 10 years.

Civil Judicial Procedures and Remedies.—The judiciary, often inefficient and believed to be swayed by corruption, was not fully independent and was subject to influence, particularly in sensitive cases such as those dealing with the monarchy, religion, and Western Sahara. There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. The number of complaints it received rose from 4,500 in 2006 to 7,000 during the year. Additionally, the percentage of actionable complaints rose from 29 percent in 2004 to 91 percent during the year. Despite the significant increase in numbers of complaints the ombudsman received, most citizens still looked to the CCDH for redress of human rights complaints. The CCDH serves as a conduit through which citizens offer complaints about government malfeasance or human rights violations. It also supervised the international observation of the parliamentary elections in September 2007.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution states that an individual's home is inviolable and that a search may take place only with a search warrant, but authorities sometimes ignored these provisions in practice. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of suspected terrorism. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches.

As in the last few years, authorities reportedly searched and closed the homes of members of the Justice and Good Works Organization (known also as the Justice and Charity Organization, or JCO), an Islamist opposition sociopolitical group that chooses not to participate in electoral politics. Members allegedly used these homes as "open houses" where they held politically oriented meetings.

In May during significant and sometimes violent unrest sparked by complaints over economic inequalities in the region around the coastal town of Sidi Ifni, residents charged that security forces illegally and unnecessarily entered private homes unrelated to the demonstrations and searched, destroyed, or stole private property and raped several women. The Moroccan Center for Human Rights (CMDH) initially passed on reports that up to 12 people had been killed in the unrest. Two photo journalists who covered the event were detained for two hours without charge and then released, but their film was seized by security officers.

Parliament formed an independent commission of inquiry, as did a consortium of NGOs. Both were allowed unrestricted access to the town and witnesses. The NGO consortium charged that police did use excessive force but found no conclusive evi-

dence of rapes or killings. Other activists insisted, however, that some rapes did occur, but the victims did not feel comfortable testifying before officials. The parliamentary commission submitted its report to the legislature's leadership, and it was released to the public on December 18. The regional police commander in charge of operations in Sidi Ifni was relieved of duty.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law generally provides for freedom of speech and of the press, although criticism of Islam, the monarchy, and territorial integrity (including the issue of Western Sahara) was not permitted. While the Government generally respected these rights in practice, during the year freedom of the press remained restricted. The press reported on previously restricted subjects, including military, security, palace affairs, activities of human rights organizations, and even on the Western Sahara.

There were several arrests for public or Internet expression. However, following conviction and pressure from local and international activists, the individuals were released. On February 22, engineering student Fouad Murtada was convicted by the Casablanca Court and sentenced to three years in prison on charges of identity theft. He created a page on the social networking site Facebook purporting to be that of Prince Moulay Rachid, brother of King Mohammed VI. Murtada stated that he created the page as a joke. After widespread protests in Morocco, the King pardoned him on March 19.

On September 4, blogger Mohammed Erraji was arrested on charges of insulting the King under article 41 of the press code for posting a blog entry entitled "King encourages dependency on handouts." He was sentenced to two years in prison by the Agadir court and fined 5,000 dirhams (\$538) on September 8. On September 18, an appeals court overturned his case on procedural grounds and released him.

On October 21, high school student Yassin Belaasal was sentenced to one and one-half years in prison on charges of insulting the King. He had rewritten the country's motto on a blackboard to read "God, Country, Barca" (for the popular Spanish football club FC Barcelona), instead of "God, Country, King." He was released on his own recognizance pending his appeal. The court upheld the conviction on November 12 but reduced the sentence to one year and suspended it. Activists criticized the Government for violating Belaasal's right of free expression, while the Government stated that he had written other, even more insulting, comments about the King's father on the blackboard.

In 2007 one case of withholding sources of information in a sensitive national security matter resulted in a prison sentence, at least three in suspended sentences, and five in fines. The rest were pending at year's end. None led to an acquittal.

The Government often penalized publications and reporters that tested the boundaries of the law. In August the international NGO Reporters Without Borders (RSF) reported that since the beginning of King Mohammed VI's reign in 1999, at least 34 media institutions had been censored and at least 20 journalists had been prosecuted under press, penal, or antiterror laws. RSF's annual report stated that press freedom deteriorated during the year.

The antiterror law and the press code impose financial penalties on journalists and publishers who violate the restrictions related to defamation, libel, and insults including critical discussion of the monarchy, state institutions, territorial integrity, and Islam. Prison sentences can be imposed on those convicted of libel. The press code lists threats to public order as one of the criteria for censorship. The Government has the ability to revoke licenses and to suspend and confiscate publications. Within these very broadly construed limits, politically diverse newspapers and weeklies published news and commentary often critical of nonsensitive policies and personalities.

The Ministry of Communication (MOC) issued directives and guidance, and subsidized publications including those critical of the Government. The placement of government-directed advertising also influenced revenue of print media outlets. Direct government subsidies varied according to the percentage of the population reading the publication. The Government temporarily suspended publications it judged offensive. After some delay, it allowed suspended publications to continue operation. Newspapers reported exercising self-censorship as a result of these restrictions.

The Government registered and licensed domestic newspapers and journals.

On October 31, the MOC banned distribution of the international edition of the French weekly *L'Express* which carried a cover story entitled, "The shock: Jesus-Mohammed: Their journey, their message, their vision of the world."

The Government owned la Societe Nationale de la Radiodiffusion et de la Television, formerly Moroccan Radio Television, which owned and operated several local television and radio stations. It also partially owned the 2M television and radio

network. The French-backed Medi-Sat television and Medi 1 radio were nominally private and independent. A government appointed committee monitored broadcasts. The Government owned or partially owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dishes. Since 2006 the Government has licensed the operations of several independent radio stations that offer news and information. Satellite dishes were widely used. The Government did not impede the reception of foreign broadcasts.

The MOC accredited 115 foreign correspondents, including 17 international press agencies, 29 television correspondents, six radio reporters, and 24 daily and weekly journalists.

Authorities subjected journalists to harassment and intimidation during the year. In April police beat three journalists for covering a protest against rising food prices outside of parliament.

On May 6, the Government suspended Al-Jazeera's broadcasting license, forcing it to cease broadcasting its nightly Maghreb news bulletin from Rabat. Al-Jazeera was permitted to retain its office in Rabat.

On July 11, a court fined Al-Jazeera Rabat bureau chief Hassan al-Rachidi 49,000 dirhams (\$6,000) and suspended his press accreditation for "publishing false information" after the channel quoted human rights activist Brahim Sab Alail as alleging that security forces killed protesters during protests in the town of Sidi Ifni. At one point, Rachidi's attorneys withdrew from his case in protest, claiming that the court refused to allow them to call defense witnesses. Al-Rachidi appealed, claiming that the court did not follow correct procedures for the suspension of his press accreditation. On December 3, the Rabat appeals court postponed hearing the case until January 7.

On May 21, Rafael Marchante, a Spanish photographer employed by Reuters, claimed he was attacked by police while covering a demonstration by unemployed university graduates in Rabat.

In August 2007 a Casablanca court sentenced Abderrahim Ariri, publisher of Al Watan, to a six-month suspended prison sentence while Mustapha Hormatallah, a journalist for the paper, was sentenced to eight months in prison. Both journalists were also fined 1,000 dirhams (\$130). The men were arrested and detained on July 17 for publishing an article containing a confidential military document warning of an Al-Qa'ida attack. Both men were held incommunicado for several days after their original arrest, and Ariri claimed he was "roughed up" and denied access to his attorney. Hormatallah was freed on bail during his appeal, but returned to prison to serve his sentence after losing his appeal. He was released on July 13. During the year there was no change in the status of Nadia Yassine, who authorities summoned to court in 2005 for publicly stating her belief that the country would be healthier as a republic than as a monarchy. Her trial remained in abeyance.

In August 2007 authorities seized editions of TelQuel and its Arabic-language sister publication Nichane. Their director, Ahmed Reda Benchemsi, was charged with "lack of respect for the King's person and for public morality." The seized issues published an editorial on the King's July 30 Throne Day speech, in which the King stated that the upcoming parliamentary elections would strengthen the country's democracy and also an article entitled "Sex in Islamic Culture." Nichane was withdrawn from newsstands, but TelQuel was seized before publication. The case against Benchemsi was postponed repeatedly and remains pending.

Internet Freedom.—There is no specific law and no judicial decision concerning Internet content or access. On occasion the Government, through Maroc Telecom, temporarily blocked access to specific Web sites. Authorities blocked the JCO Web site sporadically.

On February 5, police arrested engineering student Fouad Murtada and charged him with criminal impersonation and identity theft for creating a page on the Facebook social networking site purporting to be that of King Mohammed VI's younger brother, Prince Moulay Rachid. Murtada said he had set up the page "as a joke" and to "attract women," while the Government stated that he had engaged in "criminal impersonation and identity theft." On February 22, the Casablanca court convicted Murtada and sentenced him to three years in prison. After widespread protests, the King pardoned him on March 19.

On September 4, blogger Mohammed Erraji was arrested on charges of insulting the King under article 41 of the press code for posting a blog entry entitled "King encourages dependency on handouts." He was sentenced to two years in prison by the Agadir Court and fined 5,000 dirhams (\$538) on September 8. On September 18, an appeals court overturned his case on procedural grounds and released him.

In May 2007 authorities blocked access to YouTube.com for six days after it aired videos considered insulting to the King and for four days due to concerns about a

video implicating police in corruption. Since 2006 the Government blocked the sites “Google Earth,” “Google Maps,” and LiveJournal.com on various occasions. Internet access is widely available in urban areas and to a lesser extent in rural sectors. Internet cafes are numerous and can be found in even the most remote parts of the country. According to 2007 International Telecommunication Union data, there were approximately 483,400 subscribers and 6.6 million users in the country.

Academic Freedom and Cultural Events.—By law and in practice, the Government restricted presentations or discussions critical of the monarchy, Islam, or the status of Western Sahara. Islamist groups controlled many student unions and sometimes acted to constrain academic freedom. The MOI approved the appointments of university rectors.

The Government banned Islamist literature it termed extremist at the 2008 Casablanca Book Fair.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association within the limits provided by law. In practice the Government suppressed demonstrations or prohibited associations that went beyond the limits set by the law for freedom of speech and press.

Freedom of Assembly.—The MOI required permission for public assemblies. During the year the police forcibly prevented and disrupted some peaceful demonstrations and mass gatherings. Violent police actions were fewer than in previous years.

In February all AMDH members that authorities arrested and imprisoned for allegedly chanting antimonarchical slogans at a May 2007 protest had their sentences commuted and were released.

On April 13, security forces violently disrupted a daily, unauthorized demonstration by the Union of Unemployed College Graduates in front of parliament.

On June 7, police forcefully dispersed a week-long blockade of the port in Sidi Ifni by protestors demanding economic reforms. According to government reports, 48 members of the security forces and 23 protestors were injured. Protestors and civil society organizations stated that police officers broke into homes of innocent residents, ransacked them and stole private property. There were no fatalities, although accusations of rape remained unresolved. Police arrested Sab Alail, a member of the CMDH, after he provided subsequently disproven information on fatalities to local and international media organizations. A court sentenced Alail to six months in prison and fined him 58,000 dirhams (\$7,000) for incitement. On December 3, the Rabat court postponed an appeal hearing to January 7, 2009.

Freedom of Association.—The constitution provides for freedom of association as provided by law. The Government reported that more than 2,500 NGOs and associations were registered in the country. New organizations are required to register with the MOI. A proposed organization must submit its bylaws to the ministry. If the bylaws support the monarchy, Islam, and territorial integrity, the ministry issues a receipt to the organization, which signifies formal approval. The organization may apply for tax exemption and government funding. If the organization does not receive a receipt within one week, it is not formally registered. Many organizations functioned without the receipts.

Organizations supporting self-determination for Western Sahara were not permitted to register, including the Association of Victims of Grave Human Rights Abuses (ASVDH) and the Sahrawi Collective of Human Rights Defenders (CODESA). Unregistered organizations cannot access government funds or legally accept contributions. ASVDH remained unregistered despite a 2005 Agadir administrative court decision requiring authorities to do so.

During the year authorities continued to monitor JCO activities. In February 2007 authorities raided the home of JCO member Hussein Marjane, disrupted an “open house” organizational meeting and detained all attendees. Police later evicted Marjane’s wife and children from the house.

However, struggles between the Government and the JCO continued during the year. For example, on February 23, the media reported the arrest of 53 members of the JCO in Essaouira for holding an unauthorized meeting at the house of a regional leader. The meeting was attended by the movement’s regional leaders from Marrakech, Casablanca, Mohammedia, and Essaouira.

c. Freedom of Religion.—The constitution provides for freedom of religion and stipulates that Islam is the official state religion. According to the constitution, the King is the “Commander of the Faithful and the Supreme Representative of the Muslim community.” Non Muslim communities openly practiced their faiths with varying degrees of official restrictions. The law proscribes efforts to proselytize Muslims. However, voluntary conversion is not prohibited by civil law.

The Government supported and facilitated religious activities of the Jewish community.

The Government prohibited the distribution of Christian religious materials for the purpose of proselytism, but tolerated several small religious minorities.

The Government did not license or approve religions or religious organizations. The Government provided tax benefits, land, building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

The Ministry of Endowments and Islamic Affairs (MEIA) continued to monitor Friday mosque sermons and Koranic schools to ensure the teaching of approved doctrine. During the year the ministry broadcasted approved programs to 38,000 mosques via government-provided television sets and satellite dishes. It placed restrictions on individual Muslims and Islamic organizations whose activities were deemed to exceed the bounds of religious practice or to be political in nature. The Government strictly controlled the construction of new mosques and required a permit for construction. Authorities instituted these measures to avoid exploitation of mosques for political propaganda, such as distributing pamphlets, raising funds, or disseminating extremist ideas.

On October 27, the MEIA suspended six imams in the southern town of Taroudant for teaching an unapproved and extreme form of Islam and, among other acts, for allowing the marriage of young girls. The religious schools at which they taught were subsequently closed. This followed closure of dozens of madrasas (religious schools) affiliated with an imam who sparked controversy with a fatwa which was interpreted to permit the marriage of girls as young as nine years old, on the grounds that the decision encouraged pedophilia. On November 10, the MEIA informed parliament that he had signed an agreement with the MOI to “protect mosques as secure places for worship.”

The Government generally limited mosque activities to the propagation of Islam, education, and charity. The Government did not close any mosques during the year.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without restrictions or licensing requirements. Missionaries who conducted themselves in accordance with cultural norms largely worked unhindered, but those who proselytized publicly faced expulsion. In March the media reported the arrest in Zagora of two foreign tourists who were in possession of Bibles and compact discs on suspicion of proselytizing. Later, they were allowed to leave the country. The number of local Christians, apart from foreign spouses of citizens, was estimated to be between 5,000 and 25,000 persons.

Any attempt to induce a Muslim to convert is illegal, but this prohibition was not invoked in practice.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts, publications, or incitements to violence.

Representatives of the Jewish minority, estimated by community leaders to number 4,000 members, generally lived in safety throughout the country, and the Government provided appropriate security. The Jewish community operated schools and hospitals whose services were available to all citizens. The Government provided funds for religious instruction to the parallel system of Jewish public schools. Jews continued to hold services in synagogues throughout the country.

There are two sets of laws and courts—one for Muslims and one for Jews—pertaining to marriage, inheritance, and family matters. Under the family code, which applies to Muslims, the Government began retraining judges and recruiting new civil judges, while rabbinical authorities continued to administer family courts for Jews. There are no separate family courts for other religious groups, which rely upon the civil system. The Government continued to encourage tolerance and respect among religions.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/gdrl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. In practice the Government severely restricted movement in areas regarded as militarily sensitive, including Western Sahara.

The MOI restricted the freedom to travel outside the country for all civil servants, including teachers and military personnel. Civil servants must obtain written permission from their ministries to leave the country.

The law provides for forced exile. There were no known instances of its use during the year.

The Government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigrants, including those with Israeli citizenship, freely visited the country.

The Government also encouraged the return of Sahrawis if they acknowledged the Government's claim to the Western Sahara territory. The Government eliminated previous informal restrictions on the travel of Sahrawis and made travel documents fully available.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. It provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. However, the Government has not yet established a national asylum procedure and instead defers to the UN High Commissioner for Refugees (UNHCR) as the sole agency in the country entitled to grant refugee status and verify asylum cases. In July 2007 the Government signed an agreement with UNHCR to strengthen cooperation in the face of rising rates of migrants attempting to reach Europe. The agreement raised the UNHCR office in the country to full representation and provided UNHCR staff with greater access to relevant departments in the Government. Before signing the agreement, UNHCR provided training to government officials on the appropriate treatment of refugees.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Although refugees recognized by UNHCR are no longer returned under such circumstances, their asylum claims are not processed or recognized by the Government of Morocco. This means that they are unable to obtain residence permits that would allow them access to the national health care system and the legal right to work. At year's end the UNHCR reported 877 refugees and 369 asylum seekers in the country.

On April 28, media organizations reported that between 15 and 40 irregular migrants died when a Moroccan sailor deliberately punctured their inflatable boat in the waters between Morocco and Spain. The Government stated that the boat had been damaged accidentally during an attempt to turn the migrants around and that a subsequent rescue operation saved more than 100 lives. The Navy launched an inquiry that exonerated the sailors.

Spain continued to return to the country illegal immigrants taken into custody at sea. The Government and the International Organization for Migration (IOM) reported 210 cases of voluntary return by migrants. The Government also reported that 8,735 migrants who failed to make the crossing to Spain were taken into custody by Moroccan authorities. Spanish authorities reported a substantial drop in illegal migration from Morocco. Although the Government denies the practice, credible reports from NGOs and international organizations stated that illegal migrants are regularly driven into the desert at the border of Algeria where they are left without food or water and instructed to walk in the direction of Algeria.

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

The law provides for regular, free elections on the basis of universal suffrage, including elections to parliament. Citizens vote for the legislature from which the Government is drawn; therefore, they had an indirect say in choosing a major part of the executive branches of the Government. However, this did not apply to the monarchy, and citizens did not have the right to fully change their government.

The King as head of state appoints the prime minister, who is the titular head of government. The constitution authorizes the prime minister to nominate all government ministers, although the King also may nominate ministers and has the power to replace any minister. The Government consists of 34 cabinet level posts, including the prime minister and five sovereign ministerial posts that traditionally report directly to the King (i.e., interior, foreign affairs, justice, endowments and Islamic affairs, and defense). The MOI nominates provincial governors (walis) and local district administrative officials (caids) to the King, who appoints them. The King also appoints the constitutional council that determines whether laws passed are constitutional.

The constitution may not be changed without the King's approval. The constitution provides that neither the monarchical system nor the measures related to the religion of Islam are subject to revision. Only the King has the power to put constitutional amendment proposals to a national referendum. Amendments can be proposed directly by the King or parliament and must pass both houses with a two-thirds majority. Once a royal decree has been issued, the amendment can be sent to a national referendum; however, the King has the authority to bypass any national referendum. Citizens elect municipal councils directly; citizens elect regional councils through representatives.

Elections and Political Participation.—Electoral law and regulation give the MOI authority over the general operation of elections—from drawing the electoral districts to counting the votes. In March 2007 MOI redrew electoral districts to give more seats to less populated areas and dilute urban votes. The number of voters represented by each member of parliament varied significantly due to the manner in which the electoral districts were drawn. Redistricting took place before the 2009 local government elections.

In the September 2007 legislative elections, the King mandated the royally chartered and appointed CCDH to supervise and facilitate the work of domestic and international observers, leading to the most transparent election in the country's history. The final counting was accepted by all political parties as accurate and certified by the MOI as legitimate.

Observers praised the Government, including the MOI, for the professional administration of the September 2007 balloting. They attributed the low voter participation rate and high protest vote to weak parties and a parliament that has little vested power. Observers criticized preelection vote buying by parties and some instances of official misconduct at the district level. Domestic observers did not receive accreditation to observe the process until the eve of the election. All reports recommended the creation of an independent electoral commission.

Between March and September 2007 a combined MOJ/MOI commission received 1,260 allegations of preelectoral malfeasance. The majority of complaints related to “premature” campaigning and, to a lesser extent, the inappropriate use of money, unlawful attempts to influence voting by government agents, and election or campaign violence. Seven cases related to registration fraud. Of the allegations received, the commission referred 53 cases for trial or judicial action. Most of the defendants were released on bail and were still awaiting court dates.

On November 11, a court in the town of Beni Mellal, south of Rabat, sentenced the chairman of the city council to six months in jail for electoral fraud committed during the September 2007 legislative elections. The court also fined a member of the Liberal Party 80,000 dirhams (\$9,000) for election tampering and banned him from voting or running for office for two years. They were both accused of using government resources to influence voting.

Political parties faced some government-imposed restrictions. The MOI must approve political parties. Legislation places conditions on the establishment and functioning of political parties. The law requires parties to hold frequent national congresses and to include women and youth in the leadership structures. Public funding is based on a party's total representation in parliament and the total number of votes received nationally. Only registered members of a particular party may make private contributions. A party can be disbanded if it does not conform to the provisions stated in the law. To create a new party, organizers must submit to the MOI a declaration signed by at least 300 cofounding members from on.—half of the 16 regions of the country.

The September 2007 parliamentary elections resulted in the selection of 34 women out 325 total parliamentary seats—a decline of one seat from the previous term. Thirty of the 34 new female representatives were elected from a national list reserved for female candidates. In contrast, Prime Minister Abbas El Fassi's new 33-member government included five women ministers and two women secretaries of state, compared with two in the previous government. Women occupy other key leadership slots, such as mayor of Essaouira and governor of a district in Casablanca. There were no female members of the Supreme Court.

Women's representation in political parties' decision making structures remained low. A revision of the electoral code lowered the voting age from 23 to 21 and instituted a quota for women's membership on local councils of 12 percent, well above the barely half of 1 percent previously on the councils.

In December 2007 the Government declared the Amazigh Democratic Party illegal on the grounds that it violated a constitutional ban against ethnic political parties. On January 13, the ban was upheld on appeal. Although there is significant participation by centrist parties such as the Popular Movement (MP) that identify themselves as representing Amazigh interests, many segments of the Berber political movement felt that their requests for greater cultural, political and economic autonomy were not given a fair or influential hearing.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption was a serious problem in the executive, legislative, and judicial branches of government. In May 2007 the minister of justice stated that corruption and economic crimes accounted for 10 percent of all cases in the court system. During the year

the MOJ adjudicated more than 6,000 corruption cases, although the outcomes of most were undetermined at year's end.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the King. In April 2007 parliament adopted a law requiring judges to disclose property and financial assets, and in March a similar law passed pertaining to members of parliament and ministers.

In response to his July 2007 Throne Day Speech, the King charged the Government with forming the high-level Central Commission for the Prevention of Corruption, composed of ministerial representatives and members of civil society, to investigate corruption allegations and report them to the prime minister. Eighteen months later, on December 2, the prime minister announced the 42 members of the body, the President of which is a civil society anticorruption activist and former political prisoner. In addition to the commission, the MOJ and the Government Accountability Court (Cour de Comptes) also had jurisdiction over corruption issues.

During the year the accountability court conducted 245 audits of national governmental offices and services and 198 of local authorities. The court's report was generally critical of the level of accountability and corruption in government services. The report levied specific criticism against the Health Ministry, National Investment and Development Fund, and several local mayors for rampant corruption. There were no prosecutions by year's end.

There is no freedom of information law. In practice the Government did not grant access to official information to citizens and noncitizens, including foreign media.

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

The Government's attitude toward international human rights organizations varied, depending on the sensitivity of the issues addressed. Domestic and international human rights groups generally operated without government restriction (apart from those which favor independence for Western Sahara and some Berber organizations), and they investigated and published findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Domestic and independent human rights NGOs recognized by the Government included the Moroccan Organization of Human Rights (OMDH) and the Moroccan League for the Defense of Human Rights (LMDDH). Since 2000 the Government has subsidized these two NGOs. The AMDH did not cooperate officially with the Government but usually shared information. The OMP, a human rights organization recognized and partially funded by the Government, was granted access to prisons and prisoners. The Government sometimes met with and responded to inquiries and recommendations of these groups.

According to 2007 government estimates, there were more than 2,500 registered NGOs in the country. International NGOs such as Human Rights Watch, Reporters Without Borders, and Amnesty International cooperated with the Government on several human rights projects and generally reported unrestricted operation. The ICRC/Red Crescent conducted international humanitarian law training with the military and at Al-Qarawiyyin University in Agadir.

The CCDH, appointed by the King, advised him on human rights issues. A non-judicial ombudsman considered allegations of governmental injustices, but in practice the CCDH filled many of the roles of national social ombudsman. The CCDH enjoyed broad trust and was generally viewed by the public as the only governmental body legitimately working in the field of human rights.

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

The constitution prohibits discrimination based on race, sex, disability, language, or social status. In practice discrimination against women continued to be a problem, particularly in rural areas.

Women.—The law severely punishes men convicted of rape or sexual assault. Spousal rape, however, is not a crime. Defendants in rape prosecutions bear the burden of proving their innocence. Sexual assaults often were unreported. While not provided for by law, victim's families may offer marriage as an alternative to rapists to preserve family honor.

Reports by women's shelters provided a limited picture of the scale of violence against women and also noted the Government's failure to implement existing legislation. According to women's rights organizations, a government campaign to prevent violence against women launched in 2006 has had little follow-through, and major legal reforms are still needed, although the campaign has continued.

During the year the Ministry of Social Development, Family and Social Security recorded 14,617 cases of violence against women, including rape. Two organizations operated counseling centers for legal and social services. The Anaruz network (31

centers) reported 16,527 complaints of physical and sexual violence in 2007. The Democratic League for the Rights of Women (LDDF), with 12 centers, reported 3,569 cases of violence in the same year. These counseling centers exist exclusively in urban areas and services for victims of violence in rural areas are limited to the local police.

The law is lenient toward husbands who commit crimes against their wives. Police rarely involved themselves in domestic disputes. Regarding the issue of rape, women's rights organizations pointed to numerous articles of the law they believe perpetuate unequal treatment for women and insufficient protection. The prosecution of the statutory rapist of underage girls can be cancelled if the rapist agrees to marry his victim.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although few women reported abuse to authorities. Toll-free telephone numbers for victims of domestic violence existed in 20 centers nationwide.

Honor crimes, or assaults against women with the intent to kill, were a problem. Instead of strengthening the law after a campaign to end "honor killings," the Government extended the same protection to wives who kill their husbands.

Prostitution is illegal. Closely linked to tourism and urban migration, it is a growing, but not a pervasive problem. Authorities did not effectively enforce the law.

Sexual harassment in the workplace is a criminal offense, but only when committed by one's superior and is defined as an abuse of authority. Authorities did not effectively enforce the law. According to the Government, although the law allows victims to sue employers, few did out of a fear over losing their job or difficulty in proving a case.

Women's inheritances, which are determined by Shari'a, vary depending on the presence of children and other wives.

In 2007 Muslim women gained the right to pass nationality to their children. Previously, nationality was passed only through the father. The change allows children of citizen mothers and noncitizen fathers who are both Muslims to access the educational and social benefits available to all citizens. It also has implications for international custodial disputes involving binational couples. Citizenship can still be transferred to a child only if both parents are Muslim and if their marriage is recognized by the law.

The 2004 family law changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. A marital tutor is no longer a requirement for women as a condition of marriage, divorce is available by mutual consent, and limitations are imposed on the practice of polygamy.

Implementation of the family law remained a concern because it largely depends on the judiciary's ability and willingness to put it into practice. Due to its controversial nature, the law was written in such a way as to provide broad interpretive latitude to individual judges, not all of whom agreed with its intent. Corruption among working-level clerks in the courts and a lack of knowledge about its provisions among many lawyers also constituted obstacles.

On February 11, the MOJ released statistics that pointed to the positive effects of the 2004 family law. Divorce by mutual consent, a new right in the law, made up nearly 30 percent of cases in 2007. The code also allows women to initiate divorce proceedings. There were 26,547 applications for divorce by women in 2007, compared with 14,181 lodged by men. The code also allows women to marry without permission from a guardian. In 2007, 62,162 women arranged their own marriages, which was 3.4 percent more than in 2006.

Many NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, the Democratic League for the Rights of Women, and the Moroccan Association for Women's Rights. All advocated enhanced political and civil rights. There were numerous NGOs that provided shelters for battered women; promoted literacy; and taught women basic hygiene, family planning, and childcare.

Children.—The Government was generally committed to the protection of children's welfare. The constitution provides for compulsory, free, and universal education for children between the ages of six and 15.

According to national statistics, approximately 250,000 children drop out of primary school each year and another 130,000 students leave middle and high school. A 2006 UN Children's Fund (UNICEF) study reported that 87 percent of all children stated that they were subject to some kind of violence at school.

During the school year 2007–08, according to the Ministry of National Education, 91,802 students graduated from high school. The number of students enrolled in university came to 396,849.

According to statistics released by the MOJ on February 12, ten percent of all marriages were with girls under the age of 18. The legal marrying age of women is 18 years, but parents may secure a waiver from a judge.

Children were exploited through prostitution within the country and increasingly were victims of sex tourism.

The Government maintained accords with Spain and Italy to repatriate unaccompanied minors. Repatriation remained slow due to the lack of agreement by local families to allow the minors to return home as well as the small number of spaces in reception centers for minors with no place to return.

Trafficking in Persons.—The law prohibits trafficking in persons. However, there were reports that persons were trafficked to, from, and within the country. The country was a source for men, women, and children trafficked to Europe and the Middle East for forced labor and sexual exploitation. Internal trafficking remained a problem. The two most commonly trafficked groups were girls sent involuntarily to serve as child maids and women forced to perform sexual services. According to UNICEF and national NGOs, recruiters habitually visited isolated rural villages in the Atlas Mountains, where they persuaded parents that their daughters would be better off as child maids. Women were trafficked to Saudi Arabia, Syria, and the United Arab Emirates and forced into prostitution after being promised jobs as domestics.

The country was a transit point for trafficked persons. Men and women from Nigeria, India, Bangladesh, Sri Lanka, and Pakistan were trafficked to Europe or other Near Eastern countries. Sub-Saharan Africans transiting the country to Europe were also victims of traffickers. Women were often pressured into commercial sexual exploitation and involuntary servitude in exchange for food and shelter.

Organized criminal gangs coordinated some of the clandestine migration to Europe, particularly by sub-Saharan transiting the country. Some of this activity may include trafficking. Police in the north, who reportedly ignored trafficking for financial gain, were arrested and convicted of a variety of crimes. Most trafficking rings were small criminal groups. Unofficial reports stated that hotel personnel arranged to transport girls and young women from rural areas to cities to be used in commercial sexual exploitation.

In 2007 the Government charged two police officers in Casablanca with organizing a criminal gang to facilitate the illegal entry of foreigners and to assist in their exit from the country. These officers were convicted and sentenced to two years in prison.

In 2006 officials dismantled a large international network that was trafficking and smuggling migrants from India and arrested 70 suspects, including a police officer. At year's end they were convicted and sentenced to two years in prison.

The Government made efforts to prosecute traffickers and trafficking-complicit officials during the year. Penalties prescribed by the law for sex trafficking offenses are stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2007 authorities prosecuted 150 cases of inciting minors into prostitution and convicted 129 individuals for this trafficking crime. The Government did not provide any sentencing data to demonstrate that these convicted traffickers were punished. Security officers were convicted of trafficking offenses in Tangier, Tetouan, and Nador. Their sentences ranged from two months' suspended sentences with a fine to four years' imprisonment. During the year authorities reported dismantling 220 "trafficking rings." Since the Government continued to make no distinction between migrant smuggling and trafficking, it is not clear how many, if any, actually were trafficking rings. In July 2007 the Government investigated incidents of alleged sexual exploitation of women and girls in Cote d'Ivoire by Moroccan peacekeepers. The Government dropped charges when alleged victims failed to testify and claimed that they had been coerced into making the accusations.

Protection of trafficking victims was a problem. Foreign trafficking victims were not properly identified, and often were arrested and subject to detention and automatic deportation along with other illegal migrants. There were reports that authorities routinely rounded up illegal sub-Saharan migrants, including victims of trafficking, and left them at the Algerian border, often without food or water. As the Government has not provided data regarding these expulsions, the extent of this problem is not known.

NGO reports indicated that police physically abused trafficking victims. The Government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution. Very few victims

were repatriated. The Government provided in-kind support to NGOs assisting victims.

UNHCR protection was available to trafficked individuals in theory, but the Government has no procedures in place to refer trafficked individuals to UNHCR. The Government continued to repatriate trafficking victims. IOM assisted in the voluntary repatriation of 1,437 people during the year. The Government of Morocco reported that it expelled 8,735 illegal migrants during the year.

The National Observatory of Migration formulated antitrafficking policy, which was implemented primarily by the MOI. Clandestine migration was the purview of immigration officials; prostitution was a police issue; and child bride cases were reviewed by local authorities, who ultimately report to MOI. Law enforcement officers often participated in training and seminars relating to trafficking and human rights in general.

In March the Government committed approximately 26 million dirhams (\$3 million) to develop the income-generating capacity of families at risk of sending their children for domestic work. The Government also signed agreements with Catalonia, Spain and Italy to prevent illegal migration of Moroccan children, who are at extremely high risk of being trafficked. The Government did not, however, show significant efforts to raise public awareness of the commercial sexual exploitation of children and women in major cities, especially tourist areas, and did not take any reported measures to reduce the demand for commercial sex acts.

Persons With Disabilities.—The Government did not effectively implement laws and programs to ensure access to buildings for persons with disabilities. The Ministry for Social Development, Families, and Solidarity had responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society. In practice, however, integration was largely left to private charities. Typically, families supported persons with disabilities. A limited number survived by begging.

National/Racial/Ethnic Minorities.—The official language is Arabic. Both French and Arabic are used in the news media and educational institutions. Science and technical courses are taught in French, thereby reducing participation of the large, monolingual Moroccan-dialect, Arabic speaking, or Tamazight (Berber)-speaking populations. Educational reforms in the past decade emphasized the use of Arabic in secondary schools. Failure to transform the university system similarly led to the disqualification of many students from higher education in advanced technical fields. The poor lacked the means to obtain the necessary additional French instruction to supplement the curriculum taught in public schools.

Approximately 60 percent of the population claimed Amazigh heritage, including the royal family. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. The Government added television programs in Tamazight in September 2007, and Tamazight language classes were included in the curriculum of a limited number of primary schools. In the 2007–08 school year, the Government instituted an Amazigh language class in 3,470 schools, an increase of 2,806 from the previous academic year. Programs in one of the Berber languages were increasingly available on both radio and television.

Despite the fact that the country is majority Amazigh, rural areas that are predominantly Amazigh are the poorest in the country. Illiteracy in some areas runs as high as 80 percent, and authorities there often do not provide basic governmental services.

In December in the town of Beni Mellal, in the strongly Amazigh Middle Atlas, five men died from exposure to the cold. In 2006, in the Amazigh town of Anfghouh, 35 people died of exposure during the winter. Amazigh activists criticize the Government for extracting rich natural resources from impoverished areas while making no provision for residents to benefit from the exploitation. The Amazigh political and cultural movement also demanded that the Berber be made an official language on par with Arabic and French. Some members of the Amazigh community have described difficulty registering traditional names of children, such as Massinissa and Ygurtha, with authorities, who denied them based on the fact that they were not Arab names. In June the President of the banned Amazigh Democratic Party publicly criticized the Government for this practice.

In January several Amazigh activists were arrested in the town of Boulmane n'Dades and subsequently sentenced to between two and five years in prison. The activists stated that they were celebrating the traditional Berber New Year, while the Government charged them with disturbing the peace and incitement.

Other Societal Abuses and Discrimination.—There was some societal violence based on sexual orientation. The penal code criminalizes homosexual acts, but these provisions were infrequently enforced. In April authorities raided a religious festival

in Marrakech and charged some participants with violating laws against homosexuality.

In November 2007 an angry mob ransacked the home of a man who had hosted an alleged gay wedding the previous weekend. In December 2007 he and five other participants were tried and convicted for violating the law against homosexual acts. All were released in March.

The few people living with HIV/AIDS in the country faced discrimination and had limited treatment options.

Section 6. Worker Rights

a. The Right of Association.—The constitution permits workers to establish and join trade unions. In practice the laws reportedly were not implemented in some areas. The law provides workers with the right to strike except for certain categories of government employees (e.g., members of the armed forces, police, and judiciary). Domestic and agricultural workers are not covered by the labor code and do not have the right to form unions. While most union federations were allied with political parties, unions were free from government interference. Approximately 5.5 percent of the country's workers were organized. Any group of eight workers may organize a union, and a worker may change union affiliation easily.

The labor law details restrictions on the number of overtime hours worked per week and the rate of pay for holidays, nightshift work, and routine overtime. According to national and international NGOs, workers sometimes worked more than the standard 44 hours per week, and overtime hours were often required without pay.

The law prescribes the Government's authority to intervene in strikes when national security, domestic stability, or vital economic interests are threatened. Employers cannot initiate criminal prosecutions against workers participating in strikes. Unlike in previous years, there were no reports that union officers were subject to government pressure.

The law requires compulsory arbitration of disputes, prohibits sit ins, calls for a 10-day notice of a strike, and allows for the hiring of replacement workers. The Government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for one year after the contract comes into force. The Government has the authority to break up demonstrations in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space.

Unions may not prevent nonstrikers from working and may not engage in sabotage. Any striking employee who prevents a replacement worker from working is subject to a seven-day suspension. A second offense within one year is punishable by a 15-day suspension.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is protected by law, and the Government generally upheld this right. The right to strike is freely practiced. Less than 6 percent or 600,000 of the 11.3 million-strong workforce belonged to a union. A work site may contain several independent locals or locals affiliated with more than one labor federation. Only unions having 35 percent of the workforce as members may be recognized as negotiating partners.

Collective bargaining was prevalent in many sections of the economy. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives; however, employers set wages for the vast majority of unionized and non-unionized workers unilaterally. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

The law specifically prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. The courts have the authority to reinstate arbitrarily dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay. Unions may sue to have labor laws enforced, and employers may sue unions when they believe unions have overstepped their authority.

Employers wishing to dismiss workers are legally required to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal.

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

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced, compulsory labor and clandestine labor, including by children. However, there were reports

that such practices occurred. Child and forced labor was especially common in the agricultural and manufacturing sectors. Young girls often worked in urban areas as domestic servants. In practice the Government did not inspect the small workshops and private homes where the vast majority of such employment occurred. Forced labor persisted in the practice of adoptive servitude in households.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor. The Government did not effectively implement these laws, except in organized labor markets.

According to government statistics, during the first half of the year, 94 inspections led to citations being issued for 39 instances of employment of children under the age of 15. A total 184 site visits and 616 investigations uncovered 19 cases of employment of children between 15 and 18 years.

The inspection visits found that the bulk of child laborers work in the carpentry/forestry (23 percent), mechanical (19 percent) and construction sectors (12 percent). Noncompliance with child labor laws was common, particularly in the agricultural sector. In 2006 domestic and international NGOs reported that up to 87 percent of the country's underage workers worked on family farms.

The labor law sets the minimum age for employment in all sectors at 15 years. According to the law, children under the age of 16 are prohibited from working more than 10 hours per day, which includes at least a one-hour break. Children under the age of 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in nonagricultural work or between 8 p.m. and 5 a.m. in agricultural activities. Employment of children under the age of 18 is prohibited in stone quarries, mines, or in any other positions deemed hazardous by the Government.

In practice children were apprenticed before age 12, particularly in small, family-run workshops in the handicraft industry. Children also worked in the informal sector in textile, carpet, and light manufacturing activities. Children's safety and health conditions and wages were often substandard. Many young girls were exploited as domestic servants. The labor code does not cover domestic labor and therefore does not prohibit the employment of child maids. NGOs estimated that between 66,000 and 88,000 children worked illegally as domestic servants.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were charged as complicit in the practice. The public generally accepted the concept of adoptive servitude. According to Human Rights Watch (HRW), the majority of child domestics worked 14 to 18 hours per day without breaks, seven days a week, for salaries of approximately \$.05 to \$.13 (at \$0.40 to one dirham) per hour. Most child domestics did not receive monetary payment. They worked for food, lodging, and clothing. Children were also "rented" out to street businessmen by their parents or other relatives to beg. Parents received a fee for the use of their children, and the person "renting" the child kept a portion of the day's income from the child's begging.

The Ministry of Employment is responsible for implementing and enforcing child labor laws and regulations. The law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from 27,000 to 32,000 dirhams (\$3,250 to \$3,900). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for a period of five to 10 years. The law prohibits begging that exploits children and the buying and selling of child brides, but was not followed in practice.

Application of the legal minimum employment age continues to be flouted in both the formal and informal sectors. According to MOJ officials, no employer has been convicted of employing a child under the age of 15 despite acknowledgement of the child's age. The informal sector, where the majority of children work, was not monitored by the MOL's small cadre of labor inspectors. There were no labor inspectors dedicated solely to child labor issues.

Reportedly, police, prosecutors, and judges rarely enforced legal provisions on child abuse or on "forced labor in cases involving child domestics," and few parents of children working as domestics were willing, or able, to pursue legal avenues that were likely to provide any direct benefit.

The country continued to experience a high rate of child labor due to lack of enforcement of legal codes aimed at ending the exploitation of children, despite the 2006–15 National Plan of Action for Children. The Government expanded coordination with local, national, and international NGOs on various education and training programs during the year. As part of the National Plan of Action for Children and the GOM's anti-child labor efforts, the Ministry of Employment and Professional Formation led by the Office of the Director of Work, in conjunction with ILO-IPEC

and local NGO partners, oversaw a number of programs to deal with the issue of child labor. The ministry is currently managing four programs implemented by local NGOs in the provinces of Kenitra, Taroudat, and two in Marrakech. The programs seek to decrease incidents of child labor through awareness raising, financial assistance to needy families, and lowering obstacles to school attendance. The total budget for the four programs is approximately \$236,000.

e. Acceptable Conditions of Work.—The minimum wage was approximately 10.14 dirhams (\$1.25) per hour in the industrialized sector and 52.50 dirhams (\$6.50) per day for agricultural workers. Businesses in the informal sector, which hire approximately 60 percent of the labor force, often ignored the minimum wage requirements. Neither minimum wage provided a decent standard of living for a worker and family, even with government subsidies. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months' salary each year.

The law provides for a 44–48 hour maximum workweek, with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. Employers did not observe these provisions universally, and the Government did not enforce them effectively in all sectors. The Labor Code does not cover domestic or agricultural workers.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. Labor inspectors attempted to monitor working conditions and investigate accidents, but they were too few in number and lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.

WESTERN SAHARA

Morocco claims the Western Sahara territory, with a population of approximately 383,000, according to recent UN estimates, and administers Moroccan law and regulations in the estimated 85 percent of the territory it controls. However, Morocco and the Polisario (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization that has sought independence for the formerly Spanish territory since 1973, dispute its sovereignty.

The Moroccan government sent troops and settlers into the northern two provinces of the territory after Spain withdrew in 1975 and extended its administration over the third after Mauritania renounced its claim in 1979. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a UN peacekeeping contingent, the UN Mission for a Referendum in Western Sahara (MINURSO).

Sahrawis, literally “people of the desert” in Arabic, live in the south of internationally recognized Morocco, in the area of the territory controlled by Morocco and, to a lesser extent in Mauritania. Some also live as refugees in Algeria near the border with Morocco. An approximately 2,000 kilometer stone and sand defensive wall constructed by Morocco in the late 1980s, known as the “berm,” is the effective limit of Moroccan administrative control.

In 1988 Morocco and the Polisario agreed to settle the dispute by referendum. However, disagreements over voter eligibility and which options for self-determination (integration, independence or something in between) should be on the ballot were not resolved, and a referendum never took place. Over the years, there have been several attempts to broker a solution.

In 2007 the first face to face negotiations between representatives of the Moroccan government and the Polisario began under UN auspices, after Morocco offered a political solution based on autonomy for the territory within the Kingdom of Morocco, while the Polisario continued to insist on a potential referendum in which full independence would be an option. By year's end four rounds of talks had taken place in Manhasset, New York. On April 30, the UN Security Council adopted Resolution 1813, extending MINURSO until April 2009. The resolution also called on member states to consider voluntary contributions to the Confidence Building Measures (CBMs) carried out under the UN High Commissioner for Refugees (UNHCR) that allow increased contact between family members separated by the dispute. There were no further talks by year's end.

Morocco considers the part of the territory that it administers to be an integral part of the Kingdom and the exercise of civil liberties and political rights are condi-

tioned by the same laws and structures which apply in the Kingdom. Accordingly, ultimate authority rests with King Mohammed VI, and human rights conditions in the territory tended to converge with those in the Kingdom.

Unlike in previous years, there were no reports that the Government or its agents committed arbitrary or unlawful killings.

In June 2007 after an investigation carried out by the Moroccan government, two police officers responsible for the death of Hamdi Lembarki, a Sahrawi, were sentenced to 10 years in prison. Lembarki died in police custody from wounds received at a 2005 demonstration in Laayoune in support of the independence of Western Sahara. In March, an appellate tribunal in Laayoune released the officers, after reducing their sentences to two years, amounting to time served shortly after a police officer was killed during a pro-Sahara independence demonstration in Tal-Tan, in southern Morocco.

There were no reports of migrant killings during the year. In July 2007 two illegal migrants were killed and two were seriously injured while trying to break through a security system in Laayoune. Authorities stated that 37 sub-Saharan persons attempted to break through the surveillance system on the berm despite warning shots fired by security forces, and 26 were arrested. In July 2007 the Moroccan government launched an investigation, but no results were made public by year's end.

On January 4, construction workers uncovered a mass grave containing what press reported were approximately 15 skeletons in Smara. The facility was the site of a former military barracks built during the 1970s, the period during which many Sahrawis disappeared or were murdered by authorities. Local and international human rights organizations called for an exhumation and full investigation. The Government began a formal investigation, which was still underway at year's end.

In November 2007 construction workers discovered another mass grave at the Laayoune Prison. The Moroccan government stated that the bodies could be identified from the early 20th century; however, pro-independence organizations, such as the unrecognized Sahrawi Collective of Human Rights Defenders (CODESA), claimed that they dated from the 1970s and 1980s. In November the Government admitted in statements to the press that during this period activists and dissidents were secretly detained and sometimes killed, but stated that the five skeletons were not of that era.

In 2007 the Consultative Council on Human Rights (CCDH), a Moroccan government organization, opened a Laayoune field office. Since 2000 the CCDH has paid reparations, including providing medical insurance or assisting with urgent medical or financial needs, to Sahrawis or the family members of those Sahrawis who had disappeared or detained. The Laayoune office continued to process and pay claims during the year. In October the CCDH sponsored its first town hall meeting on human rights in Laayoune, at which an estimated 400 human rights and political activists participated, including several speakers with separatist views. The CCDH committed to a follow-up mechanism that was to include local human rights activists, but no further action took place by year's end.

During the year Sahrawi human rights activists claimed that beating and torture continued and that threats and the use of psychological and "mental stress" interrogations persisted. According to a local, unregistered nongovernmental organization (NGO), the Sahrawi Collective of Human Rights Defenders (CODESA), however, specific reports of mistreatment and human rights violations within the territory decreased.

Police reportedly sometimes beat detainees in transport vehicles rather than in stations or prisons in order to deny abusing persons in government facilities. Hamoud Iguilid, a member of the Laayoune branch of the unrecognized Moroccan Association for Human Rights (AMDH) claimed that police detained him on May 10, placed him in a police vehicle while handcuffed and blindfolded, questioned him about his human rights activities and insulted him. The officers held him for over an hour, confiscated money, documents related to his human rights activism, and a computer flash drive that contained sensitive information. They then drove him outside the city limits and released him. He filed a complaint with judicial authorities but was not contacted as part of an investigation.

According to a May Human Rights Watch (HRW) report, during the year and in recent years there was impunity for police abuses. Numerous victims of human rights abuses repeatedly named specific police or security officials as arbitrarily arresting, either supervising or employing excessive force and/or beating demonstrators, including children, and forcing them to sign statements against their will that they were prevented from reading. During the year multiple complaints were filed with both police and judicial authorities against specific officers who had received complaints against them in previous years. According to HRW, authorities dismiss

the overwhelming majority of complaints without collecting evidence beyond the police's own version of events. No officer was charged with any crimes during the year.

Despite a reduction, the Government and many NGOs reported multiple cases of human rights abuses. For example, two activists, Dahha Rahmouni and Brahim al-Ansari reported filing formal complaints of police mistreatment on January 4, which authorities denied receiving. In 2007 Zahra Bassiri, a 14-year-old girl, was arrested after a peaceful demonstration by approximately 50 persons in support of Western Saharan independence, according to the Associated Press. Bassiri stated that police officers began beating her as soon as they put her into a transport van. No investigation was conducted. Of 12 complaints of abuse that local authorities acknowledged receiving since 2005, all were found baseless by the Government or closed without contacting the original complainant.

A new prison was under construction at year's end. The Moroccan Observatory of Prisons (OMP), a local human rights NGO subsidized by the Moroccan government, and other activists have limited ability to enter prisons in the territory and interview inmates and record complaints. The OMP regional office in Laayoune stated that a new prison director decreased overcrowding, improved security by installing metal detectors and cameras to prevent violence, improved diet and access to health care, and created new cells for family visits. Eligible inmates were able to continue to pursue their education. However, allegations of abuse and substandard conditions persisted.

Some human rights activists and NGOs charged that the Government had reduced overcrowding by transferring politically active prisoners to facilities in Morocco proper, far from their families and support networks as a punishment for activism. The Government stated that the transfers were administrative and were undertaken only to improve conditions. Some antigovernment activists continued to serve their sentences in Laayoune. Human rights activists and NGOs claimed that the court system in Laayoune dispensed justice unfairly. Many activists claimed that although they were arrested for political activities, they were officially charged with drug or other criminal offences and that courts often refused to bring in experts to testify about torture. Human rights and pro-independence activists claimed that authorities' repressive measures were also focused on them or other activists in areas of southern Morocco inhabited by Sahrawis. Activists and their attorneys also alleged multiple cases of forced or falsified confessions.

During the year activists and NGOs alleged that police violated Moroccan law by holding minors for up to 72 hours without informing parents. Activists also claimed that minors were often seized and arrested for short periods of time, during which they were allegedly beaten before being released.

Youths supporting independence were reportedly detained and mistreated. Activists claimed that they were regularly taken into custody, beaten, and released, generally within 24 hours, without being formally arrested or charged.

Police reportedly used excessive force or violence to disperse some pro-independence demonstrations, which continued intermittently throughout the year. On April 12, police broke up a demonstration in Laayoune's central square. Several individuals were injured and arrested. Authorities claimed that they did not intervene in any demonstrations until demonstrators became violent and destroyed personal property.

Moroccan media and satellite television are available in Western Sahara. However, it is illegal to publish or express views publicly calling for independence or a referendum which would include that option. Most other abuses are related to persons attempting to exercise these rights. The Government denied access to Web sites considered controversial, such as those advocating independence, and offenders were quickly detained.

According to Amnesty International (AI), on June 17, Brahim Sabbar, Secretary General of the unrecognized Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (ASVDH) was released following two years' imprisonment after unfair trials in 2006 and 2007. Sabbar had been convicted of having led demonstrations in 2005 and 2006 against the Moroccan administration of Western Sahara and for belonging to the ASVDH, an unauthorized organization.

On June 17, Moroccan authorities forcibly prevented parties and other gatherings from celebrating the release of Brahim Sabbar. Security officers assaulted Mohamed Dadach, a prominent human rights activist, recipient of the 2002 Rafto Human Rights Award from Norway and the President of the Support Committee for the Sahrawi People's Self-Determination, after he left the home of another activist in Laayoune. The activists were preparing to celebrate the release of Brahim Sabbar. Dadach claimed that approximately 15 police officers beat him on the face and body.

On September 22, pro-independence activists attacked a police vehicle in Smara and burned it with Molotov cocktails after Polisario President Abdelaziz called on

Sahrawis living in Moroccan-controlled territory to launch an uprising. Police subsequently broke up demonstrations, sometimes with excessive force.

In May Nafi al-Sah and Abdallah al-Boussati were released from prison after serving 10 months sentences for damaging a police car and injuring its three occupants with a Molotov cocktail in June 2007. Both men signed confessions but claimed that they were extracted under torture; there were also evidentiary irregularities.

Protests by Sahrawi activists, including some from the territory, intensified in Morocco. The Moroccan government response included arrests, and there were allegations of abuse. (*See Morocco report.*)

Some security personnel in the territory also received new training, which included a human rights component. The retention of other personnel in key roles who allegedly have perpetrated past abuses, however, highlighted continuing problems of impunity. According to the Polisario, Morocco continued to withhold information on approximately 150 missing Polisario combatants and supporters whom the Polisario listed by name. Morocco formally denied that any Sahrawi former combatants remained in detention. During the year the International Committee of the Red Cross (ICRC) continued to investigate such Polisario claims, as well as Moroccan claims that the Polisario had not fully divulged information on the whereabouts of 213 Moroccan citizens. The total number of unresolved cases of missing Algerian and Polisario soldiers in which Morocco was implicated decreased from 249 in 1994 to 58 at year's end.

In October 2007 the pro-independence CODESA applied to the Moroccan government for recognition as a NGO. CODESA claimed that authorities successfully impeded the organization's Constitutive Conference planned for October 2007. At year's end CODESA's application, sent by registered mail to the local authorities, had not been acknowledged.

Since 2005, the Government has refused to approve ASVDH's application to register as a legal NGO despite two administrative court decisions in its favor. The Government filed an appeal against the decision to order registration, which it maintained was the rationale for nonimplementation of the court order.

Both CODESA and ASVDH continued to operate informally, but the lack of legal status hindered normal activities, including securing space for public meetings and domestic fundraising and prevented international funding for the volunteer-based organizations.

The laws and restrictions regarding religious organizations and religious freedom in the territory are the same as those in Morocco. The constitution provides that Islam is the state religion, and that the state provides the freedom to practice one's religion. Unlike in previous years, external observers and international human rights activists increasingly gained access to the territory, and activists from the territory traveled abroad and returned unharmed. On December 15, Sahrawi former "disappeared" human rights defender Aminatou Haidar travelled abroad to accept a prestigious human rights award from a private foundation. She was accompanied by more than half a dozen activists, and all returned to the territory without incident.

Unlike in previous years, antigovernment activists were able to obtain passports. Both the Moroccan government and the Polisario restricted movement in militarily sensitive areas.

Since 1977 the inhabitants of the Western Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued El-Dahab since 1983) have participated in Moroccan national and regional elections. In 2007 parliamentary elections, Sahrawis with pro-Morocco political views filled all the parliamentary seats allotted to the territory. No Sahrawis opposed to Moroccan sovereignty were candidates in the elections. According to government statistics, 37 percent of registered voters turned out for the election nationally, but 62 percent of registered voters in the territory voted. While the international mission that observed the September elections did not monitor voting in Western Sahara, domestic observers leveled accusations of corruption, principally vote buying, in some races.

In 2006 King Mohammed VI appointed a new Royal Consultative Council for Saharan Affairs (CORCAS). In its three meetings during the year, the council focused principally on technical issues. There was no activity by its formerly active human rights committee except for attendance at the CCDH conference in Laayoune and participation in the general CORCAS conference in December held in Rabat.

In the largely traditional Sahrawi society, there was discrimination in practice against women.

The penal code imposes stiff fines and prison terms on individuals involved in or failing to prevent trafficking in persons. However, the territory remained a transit region for traffickers of persons.

The Moroccan labor code applied in the Moroccan-controlled areas of the territory. Moroccan unions were present in those areas but were not active.

There were no known strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. These individuals were paid 85 percent more than their counterparts in Morocco as an inducement to relocate to the territory. The Government exempted workers from income and value added taxes.

The Moroccan labor code prohibited forced or bonded labor, including labor by children, and there were no reports that such practices occurred. Sahrawis and Moroccans protested against the reported holding of slaves among the Sahrawi refugees in Tindouf, Algeria.

Human Rights Watch investigated allegations of slavery in the Tindouf camps in Algeria, but could find no conclusive proof of the allegations.

Regulations on the minimum age of employment were the same as in Morocco. Child labor did not appear to be a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. In practice, however, during peak periods, workers in some fish processing plants worked as many as 12 hours per day, six days per week, which was well beyond the 10-hour day, 44-hour week maximum stipulated in the Moroccan labor code. Occupational health and safety standards were the same as those in Morocco and enforcement was rudimentary, except for a prohibition on the employment of women in dangerous occupations.

On February 20, security forces arrested Sahrawi trade unionist Edeya Ahmed, his wife, and a delegation of European trade unionists at his home and then subsequently released them without charge. The delegation visited Western Sahara to meet with the workers and retirees from the phosphate mine at Boucraa, who claim violations of their labor rights have occurred on a regular basis since 1977 when Spain ceded its majority holding in the company to Morocco. The workers claim that Morocco immediately broke agreements and contracts with 721 Sahrawi workers, while 300 Spaniards were allowed to work under the terms of their original agreement. Sahrawi workers alleged they were consistently paid below market wages. Since 1999 representatives of the 600 workers and retirees have met with company representatives to air their grievances, but maintain that they have not had a fair hearing.

Both activists and other individuals reported a range of informal restrictions, including threats, by authorities to their ability to obtain employment, including with the MINURSO in Laayoune. They alleged that they were discriminated against in favor of persons who moved to the territory from Morocco.

OMAN

The Sultanate of Oman is a hereditary monarchy with a population of approximately 3.3 million, including approximately 900,000 nonnationals, ruled by Sultan Qaboos Al Bu Sa'id since 1970. Only the Sultan can amend the country's laws through royal decree. The 84-member Majlis al-Shura (Consultative Council) is a representative advisory institution that can review legislation. In October 2007 approximately 245,000 registered voters participated in generally free and fair elections for all of the council's seats. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. The Government restricted freedoms of privacy, speech, press, assembly, association, and religion. Discrimination and domestic violence persisted for women. There was a lack of sufficient legal protection and enforcement to secure the rights of migrant workers. There were reports that expatriate laborers, particularly domestic workers, were placed in situations amounting to forced labor and that some suffered abuse.

On November 16, the Government established an independent human rights commission with membership from both the public and private sectors. On November 24, it also passed a comprehensive law to combat trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers. Unlike in previous years, there were no reports that any prison cells lacked proper sanitation.

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

Role of the Police and Security Apparatus.—The Royal Office, part of the cabinet, controls internal and external security and coordinates all intelligence and security policies. Under the Royal Office, the Internal Security Service investigates all matters related to internal security, and the Sultan's Special Force has limited border security and antismuggling responsibility. The Royal Oman Police (ROP), also part of the cabinet, performs regular police duties, provides security at points of entry, serves as the country's immigration and customs agency, and operates the coast guard. The Ministry of Defense, and in particular the Royal Army of Oman, is responsible for securing the borders and has limited domestic security responsibilities.

There were isolated reports of corruption during the year. The ROP's Directorate General of Inquiries and Criminal Investigation is charged with investigating allegations of police abuse, and its findings are turned over to the Directorate General of Human Resources for disciplinary action. There is no public information about the ROP's internal disciplinary action. Officers received human rights training at the police academy.

Arrest and Detention.—The law does not require the police to obtain a warrant prior to making an arrest. The law provides that within 48 hours of arrest, the police must either release the accused or refer the matter to the public prosecutor. Within 24 hours the public prosecutor must formally arrest or release the person. In contrast with 2007, detainees were generally informed promptly of the charges against them. The state provided public attorneys to indigent detainees. Authorities must obtain court orders to hold suspects in pretrial detention. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There was a functioning system of bail. Detainees generally had prompt access to a lawyer of their choice; however, the police sometimes failed to notify a detainee's family, or the detainee's sponsor in the case of an expatriate laborer, of the detention. There were isolated reports that foreign workers suspected of being in the country illegally were detained without charge pending confirmation of their immigration status.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the Sultan may act as a court of final appeal and exercise his power of pardon as chairman of the Supreme Judicial Council, the country's highest legal body, which is empowered to review all judicial decisions.

The Ministry of Justice administers all courts. The magistrate court system is composed of courts of first instance, courts of appeal, and the Supreme Court. There are 42 courts of first instance located throughout the Sultanate that hear civil, criminal, commercial, labor, and personal status cases. One judge presides over each court of first instance. There are six courts of appeal, each with a panel of three appointed judges. The Supreme Court, comprising five judges, standardizes legal principles, reviews decisions of lower courts, and monitors judges in their application and interpretation of the law. The Sultan can pardon or reduce sentences but cannot overturn a Supreme Court verdict. The Supreme Judicial Council can hear appeals beyond the Supreme Court. Members of the Supreme Judicial Council included the President of the Supreme Court, the minister of justice, the public prosecutor, and the inspector general.

Principles of Shari'a inform the civil, commercial, and criminal codes. Laws governing family and personal status are based on the Government's interpretation of Shari'a.

The Administrative Court, under the authority of the Diwan of the Royal Court, reviews complaints about the misuse of governmental authority. It has the power to reverse decisions made by government bodies and award compensation. Appointments to this court are subject to the approval of the Administrative Affairs Council. The court's President and deputy President are appointed by royal decree based on the council's nomination.

The State Security Court tries cases involving national security and criminal matters that require expeditious or especially sensitive handling. The security court pro-

cedures mirror those applicable elsewhere in the criminal system. The Sultan may exercise his powers to extend leniency, including in cases involving state security.

Military and security personnel are subject to a military tribunal system of justice to which there is limited outside visibility or access.

Trial Procedures.—The law provides for the right to a fair trial, and the judiciary generally enforced this right for all citizens. The law also provides for the presumption of innocence. Juries are not used; however, citizens have the right to a public trial, except when the court decides to hold a session in private in the interest of public order or morals.

Defendants have the right to be present, to consult with an attorney in a timely manner, and to present evidence and confront witnesses. The prosecution and defense counsel directs questions to witnesses through the judge. Defendants and their lawyers generally had access to government-held evidence relevant to their cases. Courts provide public attorneys to indigent detainees and offer legal defense for defendants facing prison terms of three years or more. Those convicted may appeal jail sentences longer than three months and fines of more than 480 rials (approximately \$1,250).

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

Civil Judicial Procedures and Remedies.—Civil cases are governed by applicable civil procedure codes. Citizens and nationals of other countries were able to file cases in the courts. There were instances in which courts ruled in favor of domestic servants against their sponsors, requiring sponsors to return the workers' passports and allow them to break the employment contract. In some of these instances, the court issued orders to apprehend the sponsor and force his or her appearance before the court. Both citizens and foreign workers can lodge complaints regarding working conditions with the Ministry of Manpower (MOM) for administrative redress. The MOM may refer cases to the courts if the ministry is unable to negotiate a solution.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for broad governmental discretion, which the Government used in practice.

The law does not require police to obtain search warrants before entering homes, although the police often obtained warrants from the public prosecutor's office. The Government monitored private communications, including mobile phones, e-mail, and Internet chat room exchanges. The Ministry of Interior (MOI) required citizens to obtain permission to marry foreigners except nationals of Gulf Cooperation Council (GCC) countries; permission was not granted automatically. Citizen marriage to a foreigner abroad without MOI approval may cause the foreign spouse to be denied entry into the country and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for limited freedom of speech and of the press; however, the Government generally restricted these rights in practice. Journalists and writers exercised self-censorship, due to both the expectation of official censorship and fear of government reprisal.

The law prohibits criticism of the Sultan in any form or medium; "material that leads to public discord, violates the security of the state, or abuses a person's dignity or his rights"; messages of any form that violate public order and morals or are harmful to a person's safety; and "defamation of character." Courts have interpreted these laws to mean it is illegal to insult any public official.

There are five privately owned newspapers in the country, three in Arabic and two in English. Editorials generally were consistent with the Government's views, although authorities tolerated some limited criticism regarding domestic and foreign affairs issues, including GCC policies, which the country participated in determining. In addition there were two state-owned newspapers and more than 30 state-owned and privately owned magazines in circulation. The Government owned three radio stations and two television stations, none of which generally aired politically controversial material. There were also three private radio stations that aired occasional news bulletins supplied by the state-owned Oman News Agency. Access to foreign broadcasts via satellite was widespread in the major urban areas; however, there was no permanent international media presence in the country. Occasional international reporting tended to focus on special events or human interest stories.

The Ministry of Information strictly censored material viewed as politically, culturally, or sexually offensive from all domestic and imported publications. All content in both public and private print outlets was subject to an official, nontransparent review and approval process prior to publication.

Various media companies reportedly refused to publish articles by journalists who previously criticized the Government; however, unlike in 2007, there were no reports that the Government maintained an alleged blacklist of journalists and writers whose work is not to be published in the country. The authorities tolerated a limited degree of criticism of policies, government officials, and agencies, particularly via the Internet; however, such criticism rarely appeared in traditional mass media.

The Government continued to use libel laws and concerns for national security as grounds to suppress criticism of government figures and politically objectionable views.

There were no major publishing houses in the country and very little publication of books. The Government restricted the importation, distribution, and publication of books as it restricted other media.

Internet Freedom.—The law restricted free speech via the Internet, and the Government enforced the restrictions. The Government's national telecommunications company made Internet access available for a fee to citizens and foreign residents. Despite infrastructure increases, less than 5 percent of the population had subscription Internet access during the year; however, Internet access was widely available via Internet cafes in urban areas.

The Government's telecommunications company restricted access to numerous Web sites considered pornographic, culturally or politically sensitive, or competitive with local telecommunications services. The criteria for blocking Internet sites were not transparent. The Government placed warnings on other Web sites that criticism of the Sultan or personal criticism of government officials would be censored and could lead to police questioning, which increased self-censorship. The Government also monitored Internet communications and reportedly questioned some chat room contributors who were critical of government officials or policies, or whose postings precipitated criticism, after tracking the contributors through their Internet service provider addresses.

The country's former most popular chat room site, al-Sablah al-Omania, remained closed at year's end. In January 2007 police arrested the site's founder and 10 of his associates for publishing comments critical of government officials. After a four-month trial, a court of first instance acquitted the founder and three codefendants on charges of slander but fined the six other defendants and sentenced one defendant to one month in jail. Although several sites served as replacements for al-Sablah, all were rigorously cautious concerning content, and moderators reportedly quickly deleted potentially offensive material.

Academic Freedom and Cultural Events.—The Government restricted academic freedom, particularly publishing or discussing controversial matters such as domestic politics, through the threat of dismissal. As a result, academics generally practiced self-censorship. There were no reported cases during the year in which the Government dismissed an academic on these grounds.

The appropriate government authority must approve all public cultural events. Organizations avoided controversial issues, reportedly due to belief that the authorities might not approve such events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for circumscribed freedom of assembly, and the Government restricted the exercise of this right in practice. Prior government approval was necessary for all public gatherings. The authorities enforced this requirement with rare exceptions.

Freedom of Association.—The law provides for freedom of association “for legitimate objectives and in a proper manner.” The Council of Ministers approves the establishment of nongovernmental organizations (NGOs)—officially recognized as associations—to work on a set of acceptable issues, including women, children, the elderly, persons with disabilities, the environment, and others approved by the council. The council limited freedom of association in practice by prohibiting associations whose activities were deemed “inimical to the social order” or otherwise not appropriate and did not license groups regarded as a threat to the predominant social and political views or the interests of the country. Associations must also register with the Ministry of Social Development, which approves association bylaws. The average time required to receive approval and register an association was about two years. Formal registration of nationalities—based associations was limited to one association for each nationality.

Women's associations were able to register somewhat faster than other organizations because women's associations only have to register with the Ministry of Social Development and do not have to be approved by the Council of Ministers.

c. Freedom of Religion.—The law provides for the freedom to practice religious rites as long as doing so does not disrupt public order. The Government generally respected this right, but within defined parameters that placed limitations on the right in practice. The law provides that Islam is the state religion and that Shari'a is the source of legislation. Most citizens were Ibadhi or Sunni Muslims, with some Shia and a few non-Muslim citizens. The Government permitted worship by non-Muslim residents. All religious organizations must be registered with the Government.

Non-Muslims were free to worship at churches and temples built on land donated by the Sultan. In 2006 the Government formally prohibited religious gatherings in locations other than government-approved houses of worship and mandated that non-Islamic institutions receive approval from the Ministry of Endowments and Religious Affairs (MERA) prior to issuing publications within their communities. The Government enforced the prohibition on places of worship only if there was a specific complaint, and it generally did not review religious publications prior to their dissemination.

Islam was taught from a cultural and historical perspective in public and private schools, and Islamic studies were mandatory for Muslim students. Non-Muslim students in both systems were exempt from this requirement, and many private schools provided alternate religious studies instruction.

The law does not prohibit proselytizing, but the MERA can stop individuals or groups from engaging in proselytizing if the ministry receives complaints. The Government may use immigration regulations and laws against harassment to enforce the ministry's policy.

The MERA monitored sermons at mosques to ensure imams did not discuss political topics or instigate religious hatred or divisions. The Government expected all imams to preach sermons within the parameters of standardized texts distributed monthly by the ministry. Imams may be suspended or dismissed for exceeding government boundaries; however, there were no reported suspensions or dismissals during the year. The Government monitored but did not attempt to control the content of sermons in non-Islamic communities.

Societal Abuses and Discrimination.—There were no reports of societal violence or harassment against members of religious groups; however, anti-Semitism was present in the media. There was no Jewish population and there were no reports of anti-Semitic acts or public statements by community or national leaders that vilified Jews. However, anti-Semitic editorial cartoons depicting stereotypical and negative images of Jews, along with Jewish symbols, were published during the year. These expressions occurred primarily in the privately owned daily newspaper Al-Watan without government response.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country and repatriation, and the Government respected these rights in practice. The law does not specifically provide for foreign travel or emigration; however, the Government generally respected these rights in practice. The Office of the UN High Commissioner for Refugees (UNHCR) did not visit the country during the year, and the UNHCR did not maintain an office or personnel in the country. The law prohibits forced exile, and there were no reported cases during the year.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, although the country is not party to either the convention or the protocol. The ROP is responsible for determining refugee status but did not accept refugees for resettlement during the year. The ROP's system for granting refugees was not transparent, and the law does not specify a time frame in which the ROP must adjudicate a resettlement application.

In practice the Government did not provide protection against the return of refugees to countries where their lives or freedom would be threatened. Tight control over the entry of foreigners effectively limited refugees and prospective asylum seekers. Authorities apprehended and deported hundreds of Somalis, Yemenis, Ethiopians, and Eritreans, who sought to enter the country illegally by land and sea in the south, and Afghans and Pakistanis, who generally came to the country by boat via Iran in the north. Authorities generally detained these persons in centers in Salalah or the northern port city of Sohar, where they stayed an average of one month before being deported to their countries of origin.

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

The law does not provide citizens with the right to change their government. The Sultan retains ultimate authority on all foreign and domestic issues.

Elections and Political Participation.—In October 2007 more than 60 percent of almost 400,000 registered voters participated in elections for the Consultative Council, which has no formal legislative powers. Electoral commissions reviewed potential candidates against a set of educational and character criteria before allowing candidates' names on the ballot. There were no notable or widespread allegations of fraud or improper government interference in the voting process. Although the Government did not permit independent monitoring of the elections, the Ministry of Information invited foreign journalists to cover the voting in several locations throughout the country.

The law does not provide for political parties.

There were 14 women in the 154-seat Council of Oman, comprising the Consultative Council, whose members are elected, and the State Council, whose members are appointed by the Sultan. There were four appointed female ministers, three of whom served in the 32-member cabinet.

The Council of Oman and the Cabinet of Ministers were composed of representatives from a variety of linguistic, religious, racial, and other backgrounds.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

The law does not provide public access to government information; however, all royal decrees and ministerial decisions were published for public access.

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

The Government restricted NGO activity. There were no registered domestic human rights NGOs or fully autonomous human rights groups in the country. On November 16, the Government established a human rights commission to protect and report on human rights via the State Council to the Sultan.

No association may receive funding from an international group without government approval. Individuals convicted of doing so could receive up to six months in jail and a 500-rial (approximately \$1,310) fine. Heads of domestic NGOs reported that the Government periodically asked to review their financial records to confirm sources of funding and required NGOs to inform the Government of any meetings with foreign organizations or diplomatic missions.

In 2006 there were reports that the Government threatened an activist involved in a foreign-registered organization with arrest or loss of government employment or scholarships. There were no further reports of this practice during the year.

The Government allowed several international organizations to work in the country without interference, including the UN Children's Fund, the World Health Organization, and the International Labor Organization (ILO).

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

The law prohibits discrimination against citizens on the basis of gender, ethnic origin, race, language, religion, place of residence, and social class. However, the Government did not effectively enforce the law, and discrimination of various types existed.

Women.—The law criminalizes rape, with penalties of up to 15 years in prison, but it does not criminalize spousal rape. The Government generally enforced the law when cases were reported; however, cultural and societal influences may have prevented many women from reporting rape. As a result, there was no estimate of the extent of the problem. Foreign nationals working as housemaids occasionally reported that they had been raped by their sponsors or by employees of labor recruitment agencies. According to officials in foreign missions, police investigations resulted in few rape convictions; sponsors repatriated most of the women who made the allegations.

The law does not specifically address domestic violence. Assault, battery, and aggravated assault carry a maximum sentence of three years in prison. Allegations of spousal abuse in civil courts handling family law cases were reportedly common. Victims of domestic violence may file a complaint with the police; however, due to cultural and societal customs, women often sought private family intervention to protect them from violent domestic situations. Authorities enforced the law when they were aware that such crimes had occurred.

According to a 2006 report by the World Health Organization, female genital mutilation (FGM) occurred in rural areas to a limited extent. There is no law prohibiting FGM, but the Ministry of Health prohibited doctors from performing the procedure in hospitals. The problem remained sensitive and was not discussed publicly. Planners at the Ministry of Health have not taken action to eliminate FGM.

Prostitution was illegal. However, observers reported that, despite strict cultural norms and immigration controls, women from Eastern Europe, South Asia, North Africa, and China engaged in prostitution.

Despite legal and some social progress, including the appointment of women as ministers, ambassadors, and senior government officials, women continued to face many forms of discrimination. Aspects of Islamic law and tradition as interpreted in the country discriminated against women. The law favors male heirs in adjudicating inheritance. Many women were reluctant to take an inheritance dispute to court for fear of alienating the family. Women married to noncitizens may not transmit citizenship to their children.

Although women may own property, government officials applied different standards to female applicants for housing loans, resulting in fewer approvals for women. On November 16, the Government enacted new laws to equalize the treatment of men and women in receiving free government land for housing. Illiteracy among women 45 and older hampered their ability to own property, participate in the modern sector of the economy, or educate themselves about their rights.

Government policy provided women with equal opportunities for education, and educated women have attained positions of authority in government, business, and the media; however, many women still faced job discrimination based on cultural norms. In both the public and private sectors, women were entitled to maternity leave and equal pay for equal work. The Government, the country's largest employer of women, observed such regulations, as did many private sector employers.

The Ministry of Social Development is the umbrella ministry for women's affairs. The ministry provided support for women's economic development through the Oman Women's Association and local community development centers.

Children.—The Government is committed to the rights and welfare of children in Oman. Primary school education for children, including noncitizen children, was free and universal but not compulsory.

There were no public reports of violence against children; however, FGM allegedly was performed on some girls ages one to nine.

Trafficking in Persons.—On November 24, the Government enacted a law that prohibits all forms of trafficking in persons. Trafficking remained a problem in the country. The law establishes the "National Committee for Combating Trafficking in Persons" under the leadership of a government minister.

The sultanate was a destination and transit country for men and women trafficked primarily from Pakistan, Bangladesh, India, Sri Lanka, Indonesia, and the Philippines, some of whom became victims when they were subjected to conditions of involuntary servitude as domestic workers and laborers. It was also a destination country for women from the People's Republic of China, the Philippines, India, Morocco, and Eastern Europe for commercial sexual exploitation.

During a 2006 fact-finding visit, the UN special rapporteur (UNSR) for trafficking in persons received reports that some local recruitment agencies brought domestic servants and laborers to the country under fictitious contracts and sometimes confiscated passports and other labor documents.

Persons convicted on trafficking charges face three to 15 years in prison and fines of 5,000 to 100,000 rials (approximately \$13,000 to \$260,000). The Government arrested, prosecuted, and punished individuals in at least two prostitution cases during the year.

The MOM, ROP, and public prosecutor's office are primarily responsible for combating trafficking. The Government worked with foreign governments to prevent trafficking in persons. For example, the Government signed a memorandum of understanding with India regarding the treatment of its expatriate workers in Oman and also worked with sending countries to identify and prosecute recruitment agencies involved in trafficking.

During the year the MOM employed new labor inspectors trained by the ILO to identify victims of trafficking in persons and began more rigorous inspections of privately owned companies in the country. The Government continued to operate a 24-hour hot line to register complaints from potential victims and held training sessions for MOM officials on trafficking and forced labor during the year.

The State Department's Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law provides persons with disabilities the same rights prescribed for other citizens, although a February 2007 report by the UNSR on disabilities identified a lack of protective legislation to ensure equal educational opportunities. Although there were no reports of government discrimination against persons with disabilities, the Government did not effectively enforce the law, and persons with disabilities faced societal discrimination.

The law mandates access to buildings for persons with disabilities. Access to buildings is sometimes possible, but persons with disabilities still face challenges and many older buildings and historical sites were not retrofitted to conform to the law. The law also requires private enterprises employing more than 50 persons to reserve at least 2 percent of positions for persons with disabilities. In practice this regulation was not widely enforced.

The Ministry of Social Development is responsible for protecting the rights of persons with disabilities. The Ministry of Education initiated programs in the Muscat area during the year to reintegrate students with disabilities into the mainstream education system.

Other Societal Abuses and Discrimination.—The penal code criminalizes homosexuality, with a jail term of six months to three years; however, there were no reports of prosecutions for homosexual conduct during the year.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—In 2006 the Government officially recognized workers' rights to form unions and a general federation to represent unions in regional and international fora. Members of the armed forces, public security institutions, government employees, and domestic workers are prohibited from forming or joining unions. At year's end, according to the MOM, workers had formed 58 unions at the enterprise level.

Workers have the right to strike; however, they must give employers three weeks' notice of intent to strike. In May 2007 workers at the Port of Salalah went on strike demanding higher wages and changes to policies covering health and safety. The MOM declared the strike illegal because workers had not provided sufficient advance notification. The strike ended after one day with most of the striking workers returning to their jobs, and the parties subsequently achieved a negotiated settlement.

Some government control over union activities remained. The law prohibits accepting grants or financial assistance from any source without the MOM's prior approval. The Government also requires unions to register.

b. The Right to Organize and Bargain Collectively.—The law allows for collective bargaining, and regulations require employers to engage in collective bargaining on the terms and conditions of employment, including wages and hours of work. The law prohibits employers from firing or imposing penalties for union activity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children; however, there were reports that adult forced labor occurred.

At times foreign workers were reportedly placed in situations amounting to forced labor. In 2006 the Supreme Court ruled that foreign workers may change employers without first receiving permission from their original sponsor. However, some employers of domestic workers continued to withhold documents releasing them from employment contracts or demanded release fees totaling as much as 600 rials (approximately \$1,560) before allowing them to change employers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits all child labor; the minimum age for employment is 15 years, or 18 for certain hazardous occupations. Children 15 to 18 may only work between the hours of 6 a.m. and 6 p.m. Minors are prohibited from working for more than six hours per day, on weekends, or on holidays. The MOM generally enforced the law effectively; however, in practice, enforcement often did not extend to small family businesses that employed underage children, particularly in the agricultural and fishing sectors.

Child labor did not exist in any formal industry. As a cultural practice, Bedouin children voluntarily participated in camel racing for their families. The Government continued one-year increases in the minimum age of camel riders; the 1.-year minimum is scheduled to be achieved in 2009.

e. Acceptable Conditions of Work.—The minimum wage for citizens of 140 rials (approximately \$364) per month did not provide a decent standard of living for a

worker and family. Further, minimum wage regulations did not apply to a variety of occupations and businesses, including small businesses that employed fewer than five persons, dependent family members working for a family firm, and some categories of manual labor. There is no minimum wage for foreign workers. There were reports that migrant laborers in some firms and households worked more than 12-hour days for as little as 30 rials (\$78) per month. The MOM effectively enforced the minimum wage for citizens.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers had a 35-hour workweek. Although the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations regarding hours of employment were not always enforced, especially for foreign workers. Employees who worked extra hours without compensation could file a complaint with the MOM's Directorate of Labor Care.

The law states that an employee may remove himself or herself from dangerous work without jeopardy to continued employment if the employer knew about the danger and did not implement corrective measures. Employees covered under the labor law may recover compensation for job-related injury or illness through employer-provided medical insurance. Domestic workers are not covered under the labor law, but separate domestic employment regulations obligate the employer to provide domestic workers with local medical treatment free of charge throughout the contract period. Medical professionals reported that some employers did not provide low-skilled, migrant workers with medical insurance or provided them with coverage as low as five rials (approximately \$13) per month with any excess costs deducted from their salaries. Inspectors from the Department of Health and Safety of the Labor Care Directorate generally enforced the health and safety standard codes and made regular onsite inspections as required by law.

QATAR

Qatar is a constitutional monarchy headed by Emir Sheikh Hamad bin Khalifa Al-Thani. The population is approximately 1.7 million, of whom approximately 225,000 are citizens. The Emir exercises full executive power. The 2005 constitution provides for continued hereditary rule by the Emir's male branch of the Al-Thani family. Shari'a (Islamic law) is a main source of legislation. The Emir ultimately approves or rejects legislation after a process of consultation with the appointed 35-member Advisory Council and cabinet, formalized by the constitution. There are no elections for national leadership and political parties are forbidden by law. In 2007 citizens elected the 29 members of the Central Municipal Council. Monitoring by the government-appointed National Human Rights Committee (NHRC) and informal observations by diplomatic missions noted no apparent irregularities. The civilian authorities generally maintained effective control of the security forces.

Citizens lacked the right to change the leadership of their government by direct ballot. There were prolonged detentions in overcrowded and harsh facilities, often ending in deportation. The Government placed varying restrictions on civil liberties, including freedoms of speech, press (including the Internet), assembly, association, and religion. Foreign laborers faced restrictions on foreign travel. Trafficking in persons, primarily in the labor and domestic worker sectors, was a problem. Cultural discrimination against women limited their full participation in society. The unresolved legal status of "Bidoons" (Arabic for "without" meaning "without citizenship"; stateless persons with residency ties) resulted in discrimination against these non-citizens. Worker rights were severely restricted, especially for foreign laborers and domestic servants.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and the law prohibit such practices, and there were no reports that government officials employed them. Documentation of abuses was very limited due partly to hesitancy of alleged victims to make public claims of torture or abuse.

During the year the Government conducted training for law enforcement and military personnel focusing on the prohibition of torture. A 2006 UN Committee Against Torture report questioned the country's implementation of its obligations under the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, citing the lack of a comprehensive definition of torture in domestic law and the absence of training and education for law enforcement, medical personnel, and public officials about the prohibition. However, under the constitution, the terms of all international agreements ratified by the Government become domestic law, and the Government considers its definition of torture to be the one contained in the UN convention. During the year the Government conducted training for law enforcement and other personnel about the prohibition on torture. The Government did not submit a report by February 10 as required under the convention.

There were no developments in the 2006 case of an Indian citizen who alleged that police intentionally burned him with cigarettes during interrogation. According to the NHRC, the Ministry of Interior (MOI) investigated and filed charges against a police officer, and the officer remained suspended at year's end pending trial.

The courts ordered corporal punishment (flogging) prescribed by interpretation of Shari'a in cases of alcohol consumption. On April 18, a court sentenced an Egyptian citizen to 40 lashes after he confessed to driving while drunk. On appeal, this type of sentence was typically reduced to a fine. Authorities did not carry out corporal punishment during the year.

Prison and Detention Center Conditions.—The NHRC conducted regular visits to prisons, jails, and detention centers. Authorities informed the NHRC of the citizenship of prisoners and allowed them to monitor the length of time each prisoner was detained. Several embassies reported, however, that notification of arrest was frequently delayed. The NHRC and other sources reported an improvement in the conditions at the Deportation Detention Center (DDC) during the year, including fewer detainees (approximately 800–1,000 at any given time), and reduced duration of detention (approximately two months). The Government permitted the International Committee of the Red Cross (ICRC) access to these prisoners in 2007. There were no requests for visits by independent human rights observers during the year. The Government granted regular access to the DDC and the central prison to staff from several foreign embassies. The Government did not approve requests by diplomatic representatives to visit the state security prison and police detention centers.

In March authorities moved the Capital Police Detention Center (CPDC) to a facility which offered improved conditions with beds and separation according to sex. Citizen and noncitizen detainees were housed together. After conviction, political prisoners were held with the general prison population at the state security prison, where conditions were generally better than at the central prison. Some men and women awaiting civil or criminal trial as plaintiffs were held with persons awaiting deportation at the DDC. Some pretrial detainees were held with convicted prisoners at the central prison because of overcrowding at the CPDC. The Ministry of Social Affairs had authority over juvenile detainees, and held them separately under the supervision of a social worker.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention. However, individuals may be detained at the state security prison for indefinite periods under the 2002 Protection of Society Law and Antiterrorism Law. The NHRC reported that authorities detained three persons during the year under the 2002 law. Their status is unknown. There were an unknown number of reported cases of individuals held for up to 30 days without charges in accordance with the Protection of Society and Combating Terrorism Law. Processing speed for deportations increased for most DDC detainees during the year.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the military and internal police forces. The police were under the authority of the MOI and were generally regarded as effective by the population. The Government had mechanisms to investigate abuse and corruption. During the year the Government instituted training programs to prevent corruption and torture by the police forces, which decreased reports of official impunity.

Arrest and Detention.—The criminal law requires that persons be apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, be charged within 24 hours, and be brought before a court without undue delay. The Protection of Society and Combating Terrorism Law provides an exception which permits detention without charges for up to two years (in six month periods which can be extended) and allows detention for up to six months without charges for investigation purposes, extendable indefinitely by a special court order. Decisions taken under the Protection of Society and Combating Terrorism Law may

not be appealed in the courts. This law empowers the minister of interior to detain a defendant for crimes related to national security, honor, or impudence upon the recommendation of the director general of public security. The prime minister adjudicates complaints against these detentions. This provision was generally not used in practice.

In normal cases a judge may order a suspect released, remanded to custody to await trial, held in pretrial detention pending investigation, or released on bail. Although suspects are entitled to bail (except in cases of violent crimes), it is used infrequently in practice. Citizens are more likely to be granted bail than noncitizens. Noncitizens charged with minor crimes can be released to their citizen sponsor, although they are prohibited from leaving the country until the case is resolved.

Judges may also extend pretrial detention for one month at a time to allow authorities to conduct investigations. The accused is entitled to legal representation throughout the process and prompt access to family members in nonsecurity cases. There are provisions for state-funded legal counsel for indigents in criminal cases, and this requirement is generally honored in practice. Suspects detained under the Protection of Society and Combating Terrorism Law generally were afforded access to counsel, but access to family members was delayed although eventually granted. Once prisoners are found guilty of state security violations, they are held at the state security prison. In 2007 authorities released 18 persons detained under the Protection of Society and Combating Terrorism Law. According to the NHRC, authorities detained these individuals for five months while a public prosecutor conducted an investigation, which did not result in charges. The Government deported some of the detainees, while some remained in the country.

Amnesty.—A committee within the MOI reviews individual cases for possible leniency and makes recommendations to the Emir, who customarily grants amnesties on religious holy days and other special occasions. At the end of Ramadan the Emir granted amnesty to 85 prisoners, and to another 20 on National Human Rights Day.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, in practice all judges were appointed by Emiri decree, based on the recommendation of the chief justice. Approximately 25 percent of the judges were foreign nationals dependent on residence permits granted by the civil authorities. Prosecutors were similarly appointed based upon the recommendation of the attorney general. All judges held their positions at the discretion of the Emir. The Supreme Judicial Council recommends candidates. There were no reports of political or governmental interference in the courts. Although the Emir has the ability to remove judges, he has never exercised this power.

The law provides for a three-tiered court system: the courts of first instance, appeals, and cassation. The courts of first instance are the courts of justice (civil, criminal, and commercial). The court of appeals hears appeals of decisions from the courts of first instance. Separate Shari'a courts were eliminated in 2003, although Shari'a law still governs family cases heard by the civil courts. The Court of Cassation has four chambers, two for the appeals of civil cases, and two for the appeals of criminal cases. It hears cases from the appeals court that may have been contradictory to established law or where the law may have been mistakenly interpreted. The Court of Cassation is the court of final appeal, except on constitutional matters. A separate constitutional court rules on disputes related to the constitutionality of laws and rules and the jurisdiction of lower courts.

An administrative court of at least one circuit exists within each of the three tiers (first instance, appeal, and cassation). Each circuit consists of three judges and is the sole party concerned with settling administrative disputes between government entities.

There are no provisions in the law for the establishment of security tribunals. The established court system would handle such cases. The constitution provides for the establishment of military tribunals, but their use is restricted to periods of martial law, and only military crimes committed by the armed forces and the security forces may come before such tribunals.

There are provisions for nonjudicial proceedings for administrative discipline of military and security personnel. No such proceedings were reported during the year.

Trial Procedures.—The law provides for the right to a fair trial for all citizens, and the judiciary generally enforced this right. Although separate Shari'a courts have been eliminated, women were denied equal status in certain civil proceedings through the application of Shari'a.

Both Muslim and non-Muslim litigants are tried under the unified court system, regardless of citizenship. All courts are united under the Supreme Judicial Council, which regulates the judiciary. Trials are by jury and open to the public, but the presiding judge can close the courtroom to the public if the case is deemed sensitive.

In October the Court of Cassation limited the media's access to courts by requiring journalists to obtain a judge's permission to attend. All sentences were announced in public.

Lawyers prepare litigants and speak for them during the hearing. Non-Arabic speakers are provided interpreters. Defendants are entitled to legal representation throughout the trial and pretrial process. In matters involving religious issues, Shia and Sunni judges may apply their interpretations for their respective group. There was an adequate number of both Shia and Sunni judges.

The Government increased the number of judges and prosecutors during the year to address delays in the processing of criminal cases. Felony cases were completed within four to six months of detention, and misdemeanor cases within one to two months of citation. Defendants have the right to be present and the right of appeal. Their attorneys have access to government-held evidence relevant to their cases, once the case has been filed in the court. Defendants may consult with an attorney in a timely manner.

Defendants have the right to confront and question witnesses against them and present witnesses and evidence on their behalf. The law provides defendants the presumption of innocence; in practice, however, those charged with a crime carry the burden of disproving the charge against them at trial.

The fee for appealing to the Court of Cassation is high, and constitutes a restriction on the right to appeal. The appellant must deposit 20,000 riyals (approximately \$5,500) for the appeal if the case was decided by the court of appeals and 5,000 riyals (\$1,375) if the case was decided by the court of first instance. An appeal to the court of appeals costs 1,000 riyals (\$364). Litigants must deposit 10,000 riyals (\$2,750) for an appeal to the Constitutional Court. Sums may be seized, in whole or in part, should the court decide to reject the appeal.

Political Prisoners and Detainees.—Of the 37 individuals convicted in the 1996 planned counter-coup, 19 received death sentences and 18 were sentenced to life in prison. Of the 37, 27 remained in prison at the end of the year. The Emir ordered nine of the individuals to be released in 2007 reportedly for health reasons, including a member of the ruling family sentenced to death. The Government permitted the ICRC access to these prisoners in 2007. In July authorities released a Saudi member of the group following efforts by the Saudi government to secure his release.

In July 2007 the Government released a reform activist held in detention for four months for inciting women to protest publicly.

Civil Judicial Procedures and Remedies.—The law and judiciary generally permit persons with civil grievances to seek redress in the court system, although the judiciary is not impartial and independent in practice, as judgments tend to favor citizens. The law specifies a number of circumstances in which a judge must be removed from a case for conflict of interest, and these were observed in practice. There are civil and criminal remedies available for those seeking damages for, or cessation of, human rights violations, but no cases were reported during the year. In 2006 a laborer brought a lawsuit against his sponsor for suppression of the right of freedom of movement. The resolution of the case remained unknown at year's end.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the criminal procedures code prohibit such actions, and the Government generally respected these prohibitions in practice. Traditional attitudes of respect for the sanctity of the home and the privacy of women provided protection against arbitrary intrusion for both citizens and noncitizens. Judicial authorities must grant warrants before police may search a residence or business, except in cases involving national security or emergencies, of which there were none reported during the year. Police and security forces were believed to monitor telephone calls and e-mails, particularly when an individual was suspected of a crime.

Citizens must obtain government permission to marry foreigners and may apply for residence permits or citizenship for their spouses. Such permission generally was granted. The nationality law allows for both males and females to apply for citizenship for their spouses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press in accordance with the law, but the Government limited these rights in practice. Journalists and publishers continued to self-censor due to political and economic pressures when reporting on government policies, material deemed hostile to Islam, the ruling family, and relations with neighboring states. There were reports that security authorities threatened both individuals and organizations against publishing certain articles. According to a regional human rights organiza-

tion, interference of media owners in the content of media material was prevalent. Journalists reported that they were forbidden by their editors from printing the names of specific companies involved in labor cases.

The 1979 Press and Publications Law provides for criminal penalties and jail sentences for libel and slander, including injury to dignity, as well as for closure and confiscation of assets of the publication. All cases involving the media fall under the jurisdiction of the criminal courts.

In December 2007 the Emir established the Doha Centre for Media Freedom to protect threatened journalists and promote the free flow of news and information around the world. In June the center provided refuge for an Afghan journalist whose life was threatened for her reporting. In November the center provided refuge for a Somali journalist who had received death threats for her reporting on Somali television.

On May 22, a court sentenced Jordanian journalist Amal Eisa in absentia to three years in prison for defamation after she wrote a story about a case of medical malpractice at government-owned Hamad Hospital. The court also fined her editor 20,000 riyals (approximately \$5,500).

In October authorities arrested and detained Gulf Times reporter Peter Townson on charges of "spreading racial hatred" and bringing the country "disrepute" after he filed stories on family day policies that prevent Asian laborers from entering entertainment areas on certain days. The Doha Centre for Media Freedom intervened in the case, but it remained unresolved at year's end.

According to a 2007 Freedom House report, a court sentenced a noncitizen journalist to one year in prison for slandering a citizen.

Citizens publicly discussed sensitive political and religious issues. The much larger foreign population, however, did not express itself on sensitive topics. The Government did not prosecute anyone for expression of views. During the year the government-supported Qatar Foundation continued to fund the "Doha Debates," a series of public debates broadcast by the British Broadcasting Corporation (BBC) featuring citizens and noncitizens speaking about internationally controversial topics. In January a debate about the policies of Arab countries in Darfur was held in which several participants criticized the policy of the Government. In November debate participants drew attention to the challenges facing migrant workers throughout the region.

While the seven daily newspapers are not state-owned, owners are members of the ruling family or have close ties to government officials. The Government reviewed and censored foreign newspapers and magazines for objectionable sexual, religious, and political content.

In 2007 several citizens whose writings appeared in regional and international media outside of the country reported that authorities deliberately banned their work in the local press. Authorities lifted these bans during the year.

The censorship office in the Qatar Radio and Television Corporation (QRTC) and customs officials censored material. There were no specific reports of political censorship of foreign broadcast news media or foreign programs, although foreign movies were censored. A division of the QRTC, Qatar Media Services, buys books and screens them for suitability before allowing them to be sold in the country.

State-owned television and radio reflected government views. However, callers to the state-owned radio station's popular morning show frequently discussed topics such as government inefficiency and the lack of responsiveness to citizens' needs.

Doha-based Arabic language Al-Jazeera satellite television network focused coverage and commentary on international news topics. Al-Jazeera and the Government claimed that the channel was independent and free of government influence, but the Government exercised editorial and programmatic control on the channel through its supply of funding to the network and its influence on the selection of the station's management. Al-Jazeera covered local news when there was an international component. Al-Jazeera English covered in-depth some government policies, particularly labor practices. In August 2007 the channel aired an investigative documentary entitled, "Blood, Sweat, and Tears," which highlighted forced labor practices in the Gulf, with several references to Qatar. The documentary was also shown on the Al-Jazeera Arabic channel and rebroadcast during the year.

Internet Freedom.—The Government restricted the peaceful expression of views via the Internet and censored the Internet for political, religious, and pornographic content through a proxy server, which monitored and blocked Web sites, e-mail, and chat rooms through the state-owned Internet service provider. For example, the Government blocked access to the Arab Times, an Arab-American online newspaper, which at times published articles critical of the Government. Authorities also blocked other sites such as boingboing.net, a technology and fashion site. A user

who believed that a site was censored mistakenly could submit the web address to have the site reviewed for suitability; however, there were no reports that Web sites were unblocked using this procedure. According to 2007 International Telecommunication Union data, there were an estimated 87,000 subscribers and 351,000 users of the Internet.

Academic Freedom and Cultural Events.—The constitution provides for freedom of opinion and scientific research. In practice, the Government generally permitted academic freedom, although instructors at Qatar University noted that they often exercised self-censorship. Instructors at the foreign-based universities operating in the country reported enjoying academic freedom. There were no reported government restrictions on cultural events, although some groups organizing cultural events reported that they exercised self-censorship.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for, but regulates, freedom of assembly; however, a number of restrictions and conditions must be met in order to acquire a permit. For example, the permission of the director general of public security must be obtained, and his decision is not subject to appeal. During the year the Government granted permission for a public demonstration in opposition to Israeli actions in the Gaza Strip. A group that organized an Indian cultural event reported that the Government promptly granted an event permit after the group disclosed the time, purpose, and number of participants.

Freedom of Association.—The constitution provides for the right to form societies, defined by the Advisory Council as professional societies. A number of professional societies exist, but the conditions placed on forming such associations severely limited this right in practice. The law imposes strict conditions on the establishment, management, and function of professional societies. They are prohibited from engaging in political matters and must obtain approval from the Ministry of Labor and Social Affairs, which can deny their establishment if deemed a threat to the public interest. In the case of professional societies, they must pay 50,000 riyals (approximately \$13,740) in licensing fees and 10,000 riyals (\$2,750) in annual fees. There is a requirement for frequent reregistration. Registrations are valid for a three-year period, after which they must register again and again pay the same fees. The law allows noncitizens to participate in private societies only in cases where their participation is deemed necessary to the work of the society. However, the prime minister must approve their participation, and their number cannot exceed 20 percent of the total membership.

Since 2004, 15 societies have been approved. An additional 29 were under consideration at year's end, including five new ones that applied for registration during the year. In 2007 the ministry approved one request for a nongovernmental human rights organization designed to support persons with disabilities. Applications first submitted in 2005 (applications must be resubmitted yearly) to establish a journalists' association and a teachers' association were pending at year's end.

Informal organizations, such as community support groups and activity clubs, operated without registration; however, they may not engage in activities that could be deemed "political." The regulations prohibit international affiliation of associations.

A 2006 law regarding the establishment of "private establishments having public interest" allows for relaxed requirements for the formation of independent local and international nongovernmental organizations (NGOs) in the country. Although untested, as written, the law allows the registration of independent NGOs without the administrative hurdles and monetary requirements of the previously enacted law governing the formation of professional societies.

c. Freedom of Religion.—The constitution provides for freedom of worship and forbids discrimination based on religion in accordance with the law and the requirements of protecting the public order and morality; however, the Government continued to prohibit proselytizing by non-Muslims and placed some restrictions on public worship. Among non-Muslims, only Christians have requested and been allowed to rent space for public worship. In May the Ministry of Justice established a registration procedure for Christian marriages performed by registered churches in the country. Adherents of other faiths may privately practice their religion without harassment.

The state religion is Islam. Both Sunni and Shia Muslims practiced Islam freely. Shia Muslims (approximately 10 percent of the citizen population) organized traditional Shia ceremonies and performed rites in their own mosques because they chose not to perform them publicly. The Government allowed Shia to build and deco-

rate Shia mosques without restriction, and Shia were well represented in the Government and business communities.

The Government and the ruling family are linked inextricably to Islamic institutions and practices. The Ministry of Islamic Affairs administers the construction of mosques, clerical affairs, and Islamic education for adults and new converts. The Ministry of Education administers Islamic education in the public schools. The Emir participated in public prayers during both Eid holiday periods and personally financed the Hajj journeys of poor pilgrims.

From May 13 to 15, the sixth Conference for Religious Dialogue took place in Doha. Representatives from the three largest monotheistic religions—Christianity, Islam, and Judaism—were invited. Invitations were extended to the Roman Catholic Church, Anglican Church, Coptic Church, Middle East Churches Council, Orthodox Church, the Vatican, and Jewish rabbis, among others. Rabbis and religious scholars from several foreign countries delivered speeches and participated in panel discussions.

There was no prohibition of or action to discourage specific religions or religious factions. The Government provided legal status to Catholic, Anglican, Eastern Orthodox, Coptic, and many Indian Christian churches. The Government allowed recognized congregations to open bank accounts and sponsor clergy for visas. Construction continued on five Christian churches on property leased from the Government. On March 15, at an event attended by the deputy prime minister, a Roman Catholic Church was consecrated and opened to the public. Hindus, Buddhists, Baha'is, and members of other religious groups do not operate as freely as Christian congregations.

Religious services were held without prior authorization from the Government; however, congregations have been asked not to advertise them in advance or use visible religious symbols such as outdoor crosses.

According to the criminal law, individuals proselytizing on behalf of an organization, society, or foundation, for any religion other than Islam, may be sentenced to a prison term of up to 10 years. Proselytizing on behalf of an individual for any religion other than Islam can result in a sentence of up to five years. Individuals who possess written or recorded materials or items that support or promote missionary activity can be imprisoned for up to two years.

Converting to another religion from Islam is technically a capital offense; however, there has been no execution or other punishment for such an act.

Disclosure of religious affiliation is required when applying for a passport or other identity documents; however, affiliation is not reflected in the issued documents.

Islamic instruction was compulsory in public schools. While there were no restrictions on non-Muslims providing private religious instruction for children, most foreign children attended secular private schools. There were no religious private schools.

The Government regulated the publication, importation, and distribution of non-Islamic religious literature. Individuals were allowed to import Bibles and other religious items for personal or congregational use. Government officials only monitored Islamic religious literature and copies of the Koran. Religious materials for use at Christmas and Easter were readily available in local shops. Bibles were not publicly available in local bookstores, either in Arabic or English.

Societal Abuses and Discrimination.—There was no indigenous Jewish community; the few Jews in the country were foreigners with no restrictions on their traveling to or working in the country. On occasion in response to political events and developments in the region, some of the country's privately owned Arabic-language newspapers carried cartoons depicting offensive caricatures of Jews and Jewish symbols and editorial comparisons of Israeli leaders and Israel to Hitler and the Nazis. These occurred primarily in the daily newspapers, Al-Watan, Al-Sharq, Al-Arab, and Al-Raya, and drew no government response. The Government does not officially collect or publish statistical data on the religious affiliation of the population.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for these rights; the Government's practice, however, included notable exceptions. The Government severely restricted in-country movement and foreign travel for noncitizens. There were no reports that the Office of the UN High Commissioner for Refugees (UNHCR) asked the Government to assist refugees, asylum seekers, stateless persons, and other persons of concern.

The only restrictions on in-country movement for citizens concerned sensitive military, oil, and industrial installations. However, authorities restricted in-country movement of noncitizens, and reportedly prevented groups of foreign workers from entering entertainment areas in Doha on weekends and during certain periods designated as "family times." Arab and Western men were not barred from entering the entertainment areas at any time.

The Protection of Society and Combating Terrorism Law allows the Government to prevent some citizens from foreign travel. Men may prevent adult female family members from leaving the country, but only by seeking and securing a court order. No cases of women over the age of 18 being prevented from traveling abroad were reported during the year.

Official policy severely restricted foreign travel for expatriate workers. Citizen employment sponsors frequently confiscated and held the passports of their noncitizen workers, and they could not travel outside of the country without their sponsor's permission and an exit visa. The Government did not allow noncitizen custodial parents to take their children out of the country without the permission of the citizen parent.

The constitution prohibits internal and external forced exile of citizens, and the Government respected this prohibition in practice.

The constitution provides citizens who have left the country the right to return. Noncitizen women who were married to citizens were granted residence permits and could apply for citizenship; however, they were required to relinquish their foreign citizenship. There were no restrictions on emigration from the country.

The Government occasionally revoked citizenship or passports for political reasons, thereby restricting freedom of movement. According to Amnesty USA, in 2007 the Government restored the citizenship of approximately 2,000 persons, many of whom were members of the Al-Murrah tribe. Some in this group alleged that authorities modified birth documents to show birth outside of the country, eliminating their eligibility to vote. In 2006 the Emir ordered the reinstatement of citizenship for as many as 6,000 persons from the Al-Murrah tribe whose citizenship the Government revoked in 2004 and 2005. By the end of 2007 the Government restored citizenship to all but approximately 200 of those who had lost it.

Amnesty USA also reported several cases of denationalization of individual citizens in 2007. Maher Ibrahim Mohamed Hanoon alleged that the Government arbitrarily stripped him and his family of their nationality in July 2007, leaving the family at risk of deportation.

In July 2007 the MOI stripped Abeer al-Tamimi and her children of their citizenship and threatened her with deportation, according to Amnesty USA. Because her children were vacationing in Jordan at the time, authorities confiscated their passports at the Qatari Embassy in Amman, separating the family for a long period of time.

Protection of Refugees.—The constitution prohibits the extradition of political refugees; however, the country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection or status to refugees. There were no reports that the Government closed its borders to asylum seekers. Individuals who were able to obtain local sponsorship or employment were allowed to enter and could remain as long as they were sponsored. They were not, however, granted asylum status. Entries were generally based on political or friendship ties.

The Government generally provided protection against refoulement, the forcible return of a person to a country or territory where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Stateless Persons.—The Government provides a legal means for long-term residents to apply for and acquire citizenship; however, in practice restrictions and uneven application of the law prevent stateless persons from acquiring citizenship. The Nationality Law allows noncitizen residents to apply for citizenship after residing in the country 25 consecutive years, but only 50 may be granted per year, and only a small number have been granted under this provision.

Citizenship is derived solely from the father. Women are not permitted to transmit citizenship to their children, even if the child is born in wedlock in the country. Women must obtain permission from the authorities before marrying a foreign national, but they do not lose nationality upon marriage. According to the UNHCR, there were approximately 1,500 stateless Bidoons in the country. There were reports of summary deportation orders issued against long-term residents and Bidoons, although all family and economic ties remained in the country. The Permanent Com-

mittee for Naturalization Affairs commissioned a study during the year to determine the extent of these practices.

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

The constitution does not provide citizens the right to change their government by direct ballot. However, it provides several methods by which the Advisory Council may exercise significant influence over ministries, such as by votes of no confidence. The constitution provides for hereditary rule by the Emir's branch of the Al-Thani family. The constitutional provision for the initiation of legislation by the Advisory Council has not been implemented. The influence of family and tribal traditions was strong, and the Government did not permit political parties or opposition groups to organize.

Elections and Political Participation.—The Emir exercises full executive powers, including appointment of cabinet members. In April 2007 citizens elected the 29 members of the third Central Municipal Council to 4-year terms. The council advises the minister of municipal affairs and agriculture on local issues such as street repair, green space, trash collection, and public works projects for the entire country. Informal observation by diplomatic missions noted no apparent irregularities in these elections. Nearly 50 percent of the less than 50,000 eligible voters participated.

Approximately 75 percent of citizens could not vote in the 2007 municipal elections, as this right was limited to families that were in the country prior to 1930. All citizens over 21 were permitted to run for seats on the council, regardless of gender. The law also limits political participation for persons whose citizenship was withdrawn but subsequently restored. These persons are denied the right to candidacy or nomination in any legislative body for a period of 10 years from the date of restoration of their citizenship.

The law forbids formation of and membership in political parties. In July the Emir postponed elections for the expanded 45-member Advisory Council and extended the term of the current council for two years.

Influence of traditional attitudes and roles continued to limit women's participation in politics; however, some women served in public office as: minister of health, minister of education; President of the Permanent Election Committee; head of the General Authority for Health, vice President of the Supreme Council for Family Affairs (SCFA) with ministerial rank, head of the General Authority for Museums, and President of Qatar University. Also, one woman served on the Central Municipal Council.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; no cases of corruption involving public officials were reported during the year. Public officials were not subject to financial disclosure laws.

In December 2007 the Emir established the National Committee for Accountability and Transparency. The committee is charged with implementing articles of the UN Convention for Combating Corruption, developing a national strategy to support transparency, implementing an awareness campaign, investigating complaints from the public, managing the state's properties, suggesting related legislation, and training staff. In November the audit bureau reported that it had referred 26 cases involving private sector corruption in the administration of government contracts to the public prosecutor during the year. These prosecutions resulted in five convictions, with judgments in favor of the Government totaling more than 23 million riyals (approximately \$6.5 million).

The Government publishes its laws in the official gazette and some information was available on the Internet. Although there is a mechanism for individuals and private institutions to request this information, budget, government expenditure, and draft law information was generally not available.

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

No international or independent domestic NGO or international organizations focusing on human rights or humanitarian issues were resident in the country. During the year representatives from the Solidarity Center, the National Democratic Institute, and the American Bar Association visited the country to meet with authorities and local contacts.

In May 2007 the Secretary General of Amnesty International (AI) participated in a BBC "Doha Debate" on the prevalence of torture and whether it should be permitted under medical and judicial supervision for the purpose of saving lives. During the visit, the Secretary General publicly noted that the issue of statelessness related to the Al-Murrah tribe is a key human rights problem. She credited the

country with the establishment of the NHRC but noted that it must be strong and independent to be effective.

By law, domestic associations or NGOs may not engage in political activity or be critical of the Government. One foreign NGO successfully registered in 2007, and another began the process during the year.

The NHRC is an organization funded by the Government. An Emiri decree established the NHRC in 2002 to investigate and improve local human rights conditions. Its 12 members were all appointed by the Government, five from government ministries and seven from civil society. Since 2006 votes by government members do not count, but they continue to participate in NHRC deliberations. The committee issued its most recent report in 2006, and it was published in all local newspapers and on the NHRC Web site. The NHRC did not issue a report during the year. In September the Secretary General of the NHRC said that the committee issues a quarterly report to the cabinet, to which the Government does not generally respond cooperatively. He stated that the NHRC handled 1,500 petitions during the preceding 12 months, one-third of which were submitted by citizens and the rest by expatriate workers.

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

The constitution prohibits discrimination based on nationality, race, language, religion, and disability. However, in practice government actions were heavily influenced by local custom, and legal, cultural, and institutional discrimination existed based on gender. There were no reports of discrimination based on religious affiliation. Noncitizens were afforded fewer rights under the law. There were no reports of discrimination based on sexual orientation.

Women.—According to the Qatari Foundation for the Protection of Women and Children (QFPWC), a quasigovernmental organization, domestic violence against women was a problem. A total of 122 cases of domestic abuse against women were reported to the foundation during the year. According to the organization, the increase was due to greater awareness among the community, the requirement that all health care facilities report suspected abuse cases, and the use of the established hotline system. There were no arrests or convictions for family domestic violence among citizens publicized in the press, although cases involving noncitizens appeared. The law criminalizes domestic violence and rape but does not address spousal rape. There were cases of rape publicized between foreigners, but none were reported involving citizens. The penalty for rape is 10 years' imprisonment, or 14 years if the victim is below the age of 16. If the perpetrator is the teacher, guardian, or caregiver of the victim, the penalty is life imprisonment. The Government's ability to enforce the law against rape was hampered due to underreporting by victims who feared the social stigma of being identified as a rape victim.

A Qatar University study found that 63 percent (out of 2,778 surveyed) of citizen and noncitizen female students at the university reported they had been victims of physical abuse, with 52 reporting cases of "strong violence," such as rape, and 120 reporting sexual harassment. Approximately 50 women reported they considered suicide because they were afraid of the repercussions they would face should they notify authorities.

In September 2007 the SCFA established a shelter under the supervision of the QFPWC to accommodate abused women and children. Since its opening, the shelter has accommodated 61 women and 73 children. The shelter provided a variety of services, including financial assistance, legal aid, and psychological counseling.

The legal system allows leniency for a man found guilty of committing a "crime of honor," or a violent assault against a woman for perceived immodesty or deviant behavior. Although not deemed an honor killing by the court, in January 2007 the court of appeals commuted the three-year imprisonment sentence of a Jordanian teenager to one suspended year for killing his sister as the court stated that there was no overwhelming evidence to prove that it was a case of premeditated murder. The lower court observed that it could not be termed a case of honor killing as the postmortem report proved the victim was a virgin.

Sponsors sexually harassed and mistreated foreign domestic servants in some cases. Most domestic servants did not press charges for fear of losing their jobs. Sexual harassment is illegal and carries penalties of imprisonment and/or fines. The Sri Lankan Embassy reported 700 cases of sexual harassment against housemaids during the year, the majority of them by citizen employers. When brought to the attention of the authorities, the housemaids were often deported and no charges filed against the employer. The Indonesian Embassy reported five cases of alleged rape against housemaids during the year and an increase in the number of complaints alleging physical abuse and sexual harassment.

Prostitution is illegal and was considered a problem by the Government. Government officials reported an increasing number of cases involving prostitution, but provided no information about the scale of the problem.

The constitution asserts the principle of equality between citizens in rights and responsibilities, and the Civil Service Law, the Housing Law, and others consolidate this principle of equality. Traditions and interpretation of Shari'a, however, placed some women at a disadvantage in inheritance cases. The Government adhered to an interpretation of Shari'a that recognizes Muslims have the automatic right to inherit from their Muslim spouses. Non-Muslim spouses (invariably wives, since Muslim women cannot legally marry non-Muslims) do not inherit unless their spouse formally wills them a portion (up to one-third of the total) of their estates. Similarly a Muslim husband does not automatically inherit the property of a non-Muslim wife. Muslim wives have the right to inherit from their husbands. The proportion that women inherit depends upon their relationship to the deceased; however, in the cases of siblings, sisters inherit only one-half as much as their brothers.

In cases of divorce, young children usually remain with the mother, regardless of her religion, unless she is found to be unfit. Male children remain in the custody of the mother until 13 and females until 15. In certain conditions the court may extend the age of maternal custody to 15 years for males and to the time of marriage for females. As an exception, the mother retains custody of children with disabilities with no age limit stipulated.

The law allows a female citizen married to a noncitizen man residing in the country for the previous five years to benefit from the Government housing system. Widows and divorced women may also benefit if they have children and have not inherited a house from a deceased husband. Unmarried males or females can benefit if they support parents, brothers, and sisters or are above 35 years old. The law is generally applied fairly in practice.

Women may attend court proceedings and may represent themselves, but they were generally represented by a male relative. In cases involving financial transactions, the testimony of two women equals that of one man, but the courts routinely interpreted this requirement on a case-by-case basis. A non-Muslim woman is not required to convert to Islam upon marriage to a Muslim, but many make a personal decision to do so. Children born to a Muslim father are considered to be Muslim.

According to the Qatar Chamber of Commerce and Industry, women constituted approximately 13 percent of business owners in the country, and served in the workforce as university professors, public school teachers, and police. Women served as professionals in government service, education, health, and private business. Women received equal pay for equal work, but often did not receive equal allowances, which generally covered transportation and housing costs.

The SCFA seeks to improve the status of women and the family under both civil and Islamic law. The council contributed to a number of national and international conferences, studies, and reports on the status of women in the country. The council played an integral role in the drafting of legislation affecting women and children. In December the SCFA held its second conference on combating violence against women, a subject once considered taboo in the country. The discussion focused on the first-ever study of "Violence against Women in Qatari Society."

Children.—The Government is committed to the welfare of citizen children. The Government provided for a well-funded, free public education system (elementary through university) and a complete medical protection program. Education was compulsory for citizen children through the age of 15 and was free through primary school (the equivalent of ninth grade) for noncitizen children whose parents worked in the Government sector. There was generally no difference in attendance of girls and boys at the primary and secondary levels. Girls constituted the majority of the students at post-secondary institutions.

Medical care was available to noncitizen children for a nominal fee. Officials routinely granted fee waivers to those parents who could not pay for their child's care. Health care services were provided equally for noncitizen girls and boys.

There was no societal pattern of child labor or abuse. There were some cases of children who had suffered from various forms of family violence and physical and sexual abuse. The QFPWC reported that 73 cases involving abuse of children were reported to the organization during the year. In September five women were convicted and sentenced to imprisonment for conspiring to purchase a child in another country to bring to Qatar.

The government-funded Qatar Orphan Foundation provided shelter, medical care and education to orphans from birth to 18 years of age. The children are housed in a modern facility, segregated by age and sex, with adult supervision and medical

care provided. The foundation seeks to place the orphans with citizen families, though there is no provision for adoption under Islamic law.

The QFPWC maintained a children's hotline called the "Friendly Line" for use by children and conducted awareness campaigns on the rights of the child. The system allowed both citizen and noncitizen children to call with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment. This hotline was operated in conjunction with the family abuse hotline; statistics on use were not available. During the year, the SCFA hosted a conference focused on raising public awareness of children's issues.

Trafficking in Persons.—There is no specific antitrafficking law. Provisions of the Sponsorship Law create conditions that could lead to forced labor activities and slave-like conditions. Although the law criminalizes many related practices, including slavery, forced labor and forced prostitution prosecutions did not occur.

In 2007 the UN Special Rapporteur (UNSR) on Trafficking in Persons noted that the country is a destination and, in some instances, transit point for trafficking of migrant workers, mainly for forced labor as low-skilled workers or domestic servants, including on camel farms and for sexual exploitation. The UNSR criticized the sponsorship system as an unjust arrangement that increases the vulnerability of foreign migrant workers by rendering them dependent on their sponsors, thus fostering demand for trafficking. The UNSR also raised concern that the labor law excludes foreign domestic workers from protection and in practice places them in a situation whereby their working conditions are regulated as private matters. Contracts between domestic employees and their employers were recognized and enforced by the courts.

Men and women from Africa, South Asia, and the Middle East travel willingly to the country as laborers and domestic servants but often subsequently face conditions of forced labor and physical and sexual exploitation.

Some women and girls who traveled to the country voluntarily to work were forced into prostitution by their economic circumstances. Most often, victims were not prosecuted for prostitution; the Government issued a deportation order and sent the women to the DDC. Women and girls also traveled to the country to work as domestic servants, where they were vulnerable to domestic servitude and physical and sexual exploitation and unprotected by labor legislation. The Indian Embassy reported that 236 maids had been forced into these conditions in 2007.

Legislation guiding the sponsorship of foreign laborers created conditions constituting forced labor or slavery. Under the law foreign laborers were not allowed to leave the country without a signed exit permit or change employment without a written release from their sponsor. The dependence of foreign laborers on their employer for residency rights and the inability to change employment or to travel without the sponsor's permission left them vulnerable to abuse, arrest, and deportation. Some sponsors intimidated and coerced foreign employees to work for longer periods, reduced or withheld pay, and commonly withheld passports and failed to obtain or renew residence permits.

Authorities arrested workers without valid residence permits and detained them at the DDC. There were between 800 and 1,000 detainees awaiting deportation at the DDC at all times. During the year the Ministry of State for Interior Affairs created a committee to reduce the delays in deportation. The facility currently holds both detainees waiting to be deported for criminal offenses and those awaiting repatriation at the termination of their employment contracts. The committee is planning a new facility that will house them separately.

Principal traffickers included individual employers, contractors, and employment recruitment agencies. Most victims travel legally into the country by means of recruiting agencies in their home countries, but then subsequently face conditions of forced labor and trafficking after they reach the country. Some workers are recruited for jobs in the country but then abandoned by their recruiters upon arrival in the country or by employers after the work is completed, making them even more vulnerable to trafficking.

Violators of the law banning child camel jockeys may receive six months' imprisonment or a fine of 3,000 riyals (approximately \$825). In cases involving the employment of minors, the punishment is three years' imprisonment or a fine of approximately 10,000 riyals (\$2,748). There were no reported cases, and there have been no prosecutions under this law.

Traffickers can be prosecuted under slavery or forced labor articles of the Criminal Law of 2004, which bans forced or coerced labor with penalties of up to seven years and a fine of no more than 10,000 riyals (\$2,748). The criminal law also addresses crimes that violate human liberty and sanctity (kidnapping) with penalties of imprisonment up to 10 years.

The law specifically criminalizes the handling of money related to trafficking of women and children.

No antitrafficking or related cases against employers or labor recruitment agencies were prosecuted during the year, and there was no indication that the Government assisted with international investigations or extradited citizens who were accused of trafficking in other countries.

While there is no evidence of institutional involvement by government bodies or officials, some may own or operate companies that subject their employees to forced labor conditions.

The country's antitrafficking prevention efforts continued during the year. A government committee conducted visits to camel racing tracks, the police services continued to incorporate antitrafficking training into the basic training curriculum for police officers, and a media campaign highlighted sponsors' responsibilities and resources available to victims. In March the National Office to Combat Trafficking in Persons (NOCTP) co-sponsored an international conference that highlighted the migrant worker problem in the country and the broader Gulf Cooperation Council countries. During the year the NOCTP increased technical expertise in areas such as on-time payment of wages, forced labor, and involuntary servitude.

In November the Qatar Foundation sponsored a Doha Debate on the plight of migrant workers in the Gulf.

In 2005 the Government established a human rights department in the MOI to receive and process victims of human rights abuses and trafficking in persons. In March the director of this department stated publicly that human trafficking does not constitute a problem in the country.

In 2005 the Government opened a shelter for trafficking victims to serve the needs of abused domestic workers, other laborers and children. The shelter was managed by the National Trafficking in Persons Coordinator, and referral by police or other government agencies for access was no longer required. According to government policy, any person facing criminal or immigration violations, i.e. absconding, cannot be considered a victim by the shelter and will not receive assistance. This policy continued to severely limit the effectiveness of the shelter during the year.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law requires the allocation of resources for persons with disabilities and prohibits discrimination against such persons. The Government acts on complaints from individuals and from the NHRC and enforces compliance. The law requires that 2 percent of all jobs in government agencies and public institutions be set aside for persons with disabilities. Private sector businesses employing a minimum of 25 persons were required to hire persons with disabilities. Employers who violated these employment provisions were subject to fines. There were no reported cases during the year.

The special rapporteur of the UN Commission for Social Development on Disability, a citizen, noted in October 2007 that government schools in the country provided 21 percent of the required services for their students with disabilities, while the private and independent schools in general provided 68 percent of the required services. The UNSR also noted that there were only three public places in the country with the required standards of accessibility for persons with disabilities, and new buildings were not considering these standards. On July 12, the Government ratified the UN Convention on the Rights of Persons with Disabilities. The SCFA was charged with ensuring compliance with the rights and provisions mandated under the law; however, compliance was not effectively enforced.

National/Racial/Ethnic Minorities.—The Government distinguished between citizens and noncitizens in the areas of employment, education, housing, and health services, but only to the extent that noncitizens were required to pay for health care, electricity, water, and education (services that were provided without charge to citizens). Noncitizens were eligible for medical coverage at a nominal fee. Noncitizens generally could not own property; however, the law provides for property ownership in three designated areas. The largest noncitizen groups were Indian, Nepalese, Sri Lankan, expatriate Arabs, Filipino, Bangladeshi, Iranian, Pakistani, and Indonesian. In the private sector, Iranians occupied some of the highest positions.

Other Societal Abuses and Discrimination.—The law prohibits same-sex relations between both males and females. Penalties for adults range from a maximum of seven to 15 years imprisonment. There were an unknown number of cases before the court during the year. The verdict in the 2006 case involving a male citizen and an Asian expatriate male remained unknown at year's end.

There was discrimination against HIV patients. HIV-positive foreigners, whose condition was typically diagnosed during their medical examinations upon arriving in the country, were deported. HIV-positive citizens were quarantined and received treatment.

Section 6. Worker Rights

a. The Right of Association.—The labor law and regulations provide for the right of worker organizations for citizens over 18 years of age in private enterprises with more than 100 citizen workers. In practice the law makes union formation difficult. Noncitizens were not eligible to form worker committees, and foreign workers could only be members of joint labor-management committees. Those working in the Government sector were prohibited from joining a union. The law and regulations permit only the single General Union for the Workers of Qatar (composed of various General Committees for the Workers in a trade or industry, which are in turn made up of worker committees at individual firms) and forbid affiliation with groups outside the country. There were no worker committees, joint labor-management committees, general committees, or a national trade union, and there were no reported attempts to form them during the year.

The law grants workers the right to strike, but the restrictive conditions imposed by the statute made the likelihood of a legal strike extremely remote. Nevertheless, foreign workers staged at least 10 strikes during the year to seek redress and improvement in their work situation from employers. Foreign embassies reported several cases in which they intervened to prevent or settle strikes by their nationals working in the country. They reported that the Government responded to labor unrest by dispatching large numbers of police to the work sites or labor camps involved, and that the strikes generally ended peacefully after these shows of force. In most cases, the Government summarily deported strike organizers. Government employees, domestic servants, and those in the public utility, health, and security services were prohibited from striking. These workers may legally seek permission to hold a public gathering; however, none are known to have occurred.

b. The Right to Organize and Bargain Collectively.—Under the labor law, workers in private enterprises with more than 100 citizen workers were granted the right to bargain collectively and to sign joint agreements, i.e. agreements reached between employer and worker regarding a work-related issue. The Government circumscribed the right through control over the rules and procedures of the bargaining and agreement processes. Collective bargaining was not freely practiced, and there were no workers under collective bargaining contracts.

Private employers and workers set wages without government involvement. Local courts handled disputes between workers and employers; however, foreign workers avoided drawing attention to problems with their employers for fear of retaliation and deportation. According to resident embassies of foreign workers and some individual migrant workers, the labor department was widely perceived to be objective within its narrow mandate when dealing with the nonpayment of wages. The labor department claimed that it resolved 80 percent of worker complaints amicably with a very small percentage referred to the labor courts for judgment. During the year the labor inspection department increased its staff to 67, and trained inspectors who were provided with the power of law enforcement. During the year they conducted more than 17,000 inspections.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, and the Government did not enforce the law. Foreign workers in many cases were employed under circumstances that constituted forced labor. According to government figures, more than 85 percent of the workforce was comprised of foreign workers who, entirely dependent on their employer for residency rights, were vulnerable to abuse. For example, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. Unskilled workers and domestic servants were particularly vulnerable to nonpayment or late payment of wages.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and compulsory labor by children, and the Government generally enforced this prohibition. The labor law stipulates the minimum age for employment as 16 years. The labor law provides that minors between the ages of 16 and 18 can be employed with parent or guardian permission, and some children worked in small, family-owned businesses such as small markets or as office clerks. Minors may not work more than six hours a day or more than 36 hours a week. Employers

must provide the labor department with the names and occupations of their minor employees and obtain permission from the Ministry of Education to hire a minor. The labor department may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors.

Violators of the law banning child camel jockeys may receive six months' imprisonment or a fine of approximately 3,000 riyals (approximately \$825). In cases involving the employment of minors, the punishment is three years' imprisonment or a fine of approximately 10,000 riyals (\$2,748). The Government effectively enforced this law during the year.

e. Acceptable Conditions of Work.—Although the labor law provides the Emir with authority to set a minimum wage, he did not do so. The average wage of noncitizen workers did not provide a decent standard of living for a worker and family. The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices followed a 36-hour workweek. Employees who worked more than 48 hours per week or 36 hours per week during the holy month of Ramadan were entitled to overtime pay. Government offices and major private sector companies adhered to this law; however, it was often not observed with respect to unskilled laborers and domestic and personal employees, the majority of who were foreigners. Many such workers frequently worked seven days per week and more than 12 hours per day with few or no holidays, no overtime pay, and no effective means to redress grievances.

The rights of noncitizen workers continued to be severely restricted. Some employers mistreated foreign domestic servants, predominantly those from South Asia, Indonesia, and the Philippines. Such mistreatment generally involved the nonpayment or late payment of wages and in some cases involved rape and physical abuse. Some foreign embassies provided temporary shelter for 48 hours to their nationals who left their employers as a result of abuse or disputes before transferring the case to local government officials. According to their embassies, the majority of cases were resolved within 48 hours. Those not resolved within 48 hours were transferred to the Criminal Evidence and Investigation Department of the MOI for a maximum of seven days. Cases not resolved within seven days were transferred to the labor court, a special section of the first instance civil court.

The Nepalese Embassy reported that it received approximately 1,500 complaints during the year, the majority of which were related to nonpayment of salaries, failure to pay overtime, and refusal to obtain residence permits. No cases of sexual abuse or harassment were reported by the Nepalese Embassy during the year. The Sri Lankan Embassy received between 50 and 60 complaints per day. Complaints included sexual harassment, delayed and nonpayment of salaries, forced labor, contract switching, holding of passports, poor accommodation, nonrepatriation, termination and deportation without cause, physical torture or torment, overwork, imprisonment, and mistreatment. Abused domestic servants usually did not press charges for fear of losing their jobs. According to the Nepalese Embassy, 85 of its reported 280,000 nationals died. Heart attacks claimed 65, work-related accidents 17, and suicides three. Local support groups believed that authorities reported the cause of death as heart attacks to hide workplace deaths. The Indonesian Embassy reported an increase in the number of complaints for rape and physical abuse during the year, including five allegations of rape.

The Government has enacted regulations regarding worker safety and health, but enforcement, which is the responsibility of the Ministry of Energy and Industry, the Ministry of Health, and the Labor Department, while improving, was uneven due to insufficient training and lack of personnel. Diplomatic representatives visited labor camps and found the majority of unskilled foreign laborers living in cramped, dirty, and hazardous conditions, often without running water, electricity, or adequate food. The labor inspection department conducted a limited number of random inspections of labor camps and when found to be below minimum standards, the operators received a warning, after which compliance was enforced. Statistics on the number of inspections were not available, but most foreign labor attaches reported that most labor camps in the country remained far below minimum standards. The Indonesian Embassy reported good conditions at the three camps which house its nationals, and that Embassy staff were permitted to visit on a regular basis.

The Department of Public Safety oversaw safety training and conditions, and the state-run petroleum company had its own safety standards and procedures. The regulations listed partial and permanent disabilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. The Government provided free medical treatment to workers who suffered work-related sickness or injuries.

Foreign workers may enter the country on a visitor's visa, but a sponsor is needed to convert a visitor's visa to a work visa, and the worker must have a sponsor's permission to depart the country. In September the Ministry of Labor announced that it had punished or warned 850 firms for violating the country's labor laws, although this information could not be independently confirmed since journalists are not permitted to print the names of firms alleged to have violated labor laws. The ministry stated that raids against the firms had uncovered violations of safety and health standards, nonpayment of wages, and evidence of illegal employment. Those firms were prohibited from importing labor until they entered into compliance with the law.

The law does not provide workers the specific right to remove themselves from hazardous work conditions, and workers often hesitated to do so for fear of dismissal. The law provides any worker with the right to seek legal relief from onerous work conditions; however, pursuing such relief risked deportation, and there were no reports of workers seeking such relief during the year.

SAUDI ARABIA

The Kingdom of Saudi Arabia is a monarchy ruled by the Al-Saud family. The population is 28.2 million, including 5.8 million foreigners. Since 2005, King Abdullah bin Abd Al Aziz Al-Saud has ruled under the title Custodian of the Two Holy Mosques, a reference to his responsibility for Islam's two holiest sites in Mecca and Medina. The Government bases its legitimacy on its interpretation of Shari'a (Islamic law) and the 1992 Basic Law. The Basic Law sets out the system of governance, rights of citizens, and powers and duties of the Government. The law also provides that the Koran and the Traditions (Sunna) of the Prophet Muhammad serve as the country's constitution. In 2005 the country held male only elections on a nonparty basis for half the members of municipal councils, the first elections for any government position since 1963. The civilian authorities generally maintained effective control of the security forces.

During the year the following significant human rights problems were reported: no right to change the Government peacefully; beatings; judicially sanctioned corporal punishment; impunity, particularly on the part of the religious police; denial of public trials and lack of due process in the judicial system; political prisoners; incommunicado detention; restrictions on civil liberties such as freedoms of speech (including the Internet), assembly, association, movement, and severe restrictions on religious freedom; corruption; and lack of government transparency. Violence against women and discrimination on the basis of gender, religion, sect, and ethnicity were common. The sponsorship system limited the rights of foreign workers and remained a severe problem.

Improvements during the year included: increased publicly available information concerning specific instances of official corruption or of government action against corruption; no reports that authorities confiscated personal religious materials from individuals at ports of entry; and a process developed by the Government for prenuptial agreements when the wife is a noncitizen, permitting her to travel without her husband's permission.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings. In contrast to the previous year, there were no reports of custodial deaths involving the Government's Committee for the Promotion of Virtue and Prevention of Vice (CPVPV), also known as the religious police, or Mutawwa'in. However, the CPVPV was involved in two high-profile car chases that ended in the deaths of the pursued parties.

On March 16, two persons—a male and a female who were not married to one another—died after a car chase involving the CPVPV in Medina. On March 31, two men and two women died after another car chase involving the CPVPV. In both cases the victims fled due to concerns over CPVPV treatment if they were found violating the country's interpretation of Shari'a, which prohibits unmarried, nonfamily persons of the opposite gender from associating. In July authorities jailed, investigated, cleared, and released the CPVPV members involved in each of the incidents. The families of the deceased appealed the release of the CPVPV members. Also in July the President general of the CPVPV, Ibrahim al-Ghaith, announced that CPVPV members were prohibited from following fleeing suspects.

On June 6, human rights lawyer Abdel Rahman al-Lahem filed an appeal to contest a Riyadh court's acquittal of two members of the religious police in the beating death of Suleiman al-Huraisi, detained for possession and sale of alcohol in May 2007. There were no updates on the status of the appeal at year's end.

In July 2007 the Tabuk General Investigation and Prosecution Authority cleared members of the religious police of any wrongdoing in the June 2007 case of Ahmad al-Bulawi, who died in CPVPV custody after officers arrested him on suspicion of being in "illegal seclusion" with an unrelated woman. An autopsy revealed he had been beaten on the face.

There were no developments in the August 2007 case of a Bangladeshi man who died in Medina in the custody of the religious police.

During the year the press reported that the Government announced executions (by beheading) of 102 individuals who were convicted of murder, narcotics related offenses, armed robbery, and rape. Court proceedings in capital cases were closed, making it impossible to determine whether the accused were allowed to present a defense or were denied basic due process. Contrary to the previous year, there were no executions for sorcery, although death sentences for two women accused of witchcraft remained in effect. The Government executed 153 persons in 2007 and 37 in 2006.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Basic Law prohibits torture, and Shari'a prohibits judges from accepting confessions obtained under duress. Nevertheless, during the year the non-governmental organization (NGO) Amnesty International (AI) continued to report that authorities systematically subjected prisoners and detainees to torture and other physical abuse. Government contacts claimed privately that measures were taken to ensure that torture did not occur in the penal system, such as alleged Ministry of Interior (MOI) formal rules prohibiting torture. The Government occasionally withheld medical care from prisoners.

During the year there were reports of physical abuse by the police and the CPVPV, as well as judicially sanctioned corporal punishments.

On March 9, according to the NGO Human Rights Watch (HRW), police in Khamis Mushayt (Asir region) seeking to arrest a group of 25 undocumented Yemenis, including several children, allegedly set fire to the garbage dump in which they were hiding to force them to come out. At least 18 persons suffered severe burns. The victims alleged that instead of transporting them to the hospital, the police took them in an ambulance to a police station for questioning before treating them. The Government claimed the police rescued the individuals from an accidental fire. At year's end the Government had not investigated the incident.

On March 30, Al-Watan newspaper reported that a Makkah court endorsed the flogging sentence of five persons who attacked the CPVPV building in Khaybar in 2007. The sentences ranged from three months' imprisonment and 250 lashes to eight months' imprisonment and 400 lashes.

On December 22, Al-Riyadh newspaper reported that the court of cassation endorsed a lower court's sentence for three persons accused of theft. One individual was sentenced to four years' imprisonment and 400 lashes, while two others received sentences of two years' imprisonment and 200 lashes.

In September an appeals court increased the sentences of Raouf El-Arabi and Shawki Abd Rabuh, Egyptian doctors for the royal family, to 15 years in prison and 1,500 lashes each. The court convicted them of malpractice after they reportedly administered inappropriate medication to a princess, and police accused them of "driving a patient to addiction."

The Government also imposed corporal punishment by flogging for offenses including the harassment of women or for being alone in the company of an unrelated person of the opposite gender. There were no reports of flogging in women's prisons. There were no reports of judicially sanctioned amputation during the year.

In 2007 the National Society for Human Rights (NSHR), a government-funded human rights organization, reported complaints of torture by the religious police, the General Administration of Narcotics Control, and the Directorate of General Investigations (internal security police or Mabahith). Neither the Human Rights Commission (HRC) nor the NSHR reported these abuses during the year.

Also in 2007, according to AI, at least six cases of torture and custodial death were brought against members of the religious police. In all cases, courts exonerated the CPVPV members. The unlicensed domestic human rights group Human Rights First Society (HRFS) reported in 2007 that during the past four years there was a significant decline in the use of torture in prisons, including the formal banning

of the use of torture and dismissal of some officials who failed to implement this ban.

In April 2007 an Internet news Web site posted five video clips of a prison guard beating prisoners at the al Ha'ir Correctional Facility. The videos show a prison guard repeatedly beating the prisoners on the palms of their outstretched hands and the soles of one prisoner's feet. According to AI, prison authorities suspended two guards involved in the incident for 20 to 30 days.

Prison and Detention Center Conditions.—There were no reported prison visits during the year by the Governmental HRC or the NSHR. In 2006 both the HRC and the NSHR visited prisons in accordance with international standard modalities. They found below acceptable conditions in hygiene, food, medical, and social services, prolonged detention of detainees and prisoners in poor health, and brutalization by guards in some prisons and detention centers.

During the year diplomats and human rights advocates reported that detention centers remained overcrowded, and that some prisoners who had completed their sentences were detained for additional periods of time. A May 17 Internet article Matrouk al-Faleh wrote after a visit to detainees in al-Buraida Prison described the presence of 30–40 persons in a cell appropriate for only eight to 10 inmates and lack of adequate medical attention. The article also claimed one prisoner died of medical neglect.

On October 13, the Consultative Council asked authorities to give the General Investigation and Prosecution Authority unfettered access to the country's prisons to look into the cases of prisoners who have served their jail term but remained imprisoned.

The Government occasionally withheld medical care from prisoners. In the absence of visits during the year by HRC, NSHR, and the International Committee of the Red Cross (ICRC), health conditions in prisons were not directly reported by domestic organizations. In 2007 several prisoners reportedly died of tuberculosis in two prisons and there were two other health-related deaths in deportation centers. The Government investigated the deaths but did not release any information on these cases.

Terror suspects were held separately from criminal suspects to prevent the spread of extremist ideology. According to diplomatic sources, these suspects were held in facilities similar to those of the general prison population.

Authorities restricted consular visits to prisoners. Notification of relevant consulates in the cases of several dual national prisoners was delayed or did not occur. There were reports that authorities executed third country nationals before their embassies were notified of their arrest or conviction.

d. Arbitrary Arrest or Detention.—The Basic Law prohibits arbitrary arrest and detention and limits the period of arrest to 72 hours without charges being filed. The law provides for trial of the detained within six months. However, because of ambiguous implementation of the law and a lack of due process, the MOI maintained broad powers to arbitrarily arrest and detain persons indefinitely without judicial oversight or effective access to legal counsel or family. In practice, persons were held for weeks or months and sometimes longer.

Role of the Police and Security Apparatus.—The King, the minister of interior, the minister of defense, and the Saudi Arabian National Guard (SANG) commander all have responsibility in law and in practice for law enforcement and maintenance of order. King Abdullah remained in command of the SANG. Crown Prince Sultan, the minister of defense and aviation, had responsibility for all of that ministry's armed forces. The minister of interior, Prince Nayef, exercised control over government internal security forces, the internal security police, the Directorate of General Investigation (Mabahith), the Special Security Forces, the Special Emergency Forces, the Public Security Forces, the Highway Patrol, the Facilities Security Forces, customs, the General Administration of Narcotics Control, the coast guard, and the border guard. The General Intelligence Presidency (GIP), reporting directly to the King, is the Government's primary external intelligence agency and maintained its own forces. The civil police and the internal security police are authorized to arrest and detain individuals. Security forces were generally effective at maintaining law and order; however, there was a perception that small-scale corruption occurred among security forces and a perception that security forces acted with impunity. The Board of Grievances was the only formalized mechanism available to investigate claims of abuse. Citizens can report abuses by security forces at any police station, to the Governmental HRC, and to the NSHR; however, no information was available on the number of complaints filed or the results.

The CPVPV constitutes a semiautonomous agency that reports to the King via the Royal Diwan (royal court). The MOI also has an undefined and mostly unenforced

oversight role over the religious police. The religious police monitor public behavior to enforce strict adherence to conservative Islamic norms.

Arrest and Detention.—According to the criminal procedure legislation, “no person shall be arrested, searched, detained, or imprisoned except in cases provided by law, and any accused person shall have the right to seek the assistance of a lawyer or a representative to defend him during the investigation and trial stages.” Any person can be summoned to be investigated, and an arrest warrant can be issued based on sufficient evidence; however, warrants were not required in cases of probable cause and sometimes were not used. Warrants were required for searches of inhabited dwellings and seizures of items resulting from such searches. Regulations provide bail for less serious crimes, although authorities sometimes released detainees on the recognizance of a patron or sponsoring employer without payment of bail. There were no established procedures providing detainees the right to contact family members following arrest. There were no established procedures providing for appeal of deportation.

There were reports of arbitrary arrest and pretrial detention. Although the law prohibits detention without charge, authorities detained without charge security suspects, persons who publicly criticized the Government, Shia religious leaders, and others who violated religious standards.

Security suspects arrested by the internal security police were held incommunicado in special prisons during the initial phase of the investigation, which may last indefinitely under the MOI’s broad legal authority. Authorities restricted access to detainees by family or lawyers.

The number of detainees was not known at year’s end. In October detainees held indefinitely awaiting trial included at least 720 suspects. A September 8 AI submission to the UN Human Rights Council cited the minister of interior in July 2007 confirming that 3,016 security suspects were in detention at that time. According to an October 3 HRW report, in November 2007 authorities released 1,500 suspected militants after a reeducation program in prison. They had been detained without charge or trial.

In 2007 the NSHR reported that some police officers detained individuals with no justifiable cause and abused their authority by threatening to detain individuals to pressure them to obtain confessions or information relevant to an investigation.

The religious police are required to have a police officer accompany them at the time of an arrest. However, there were some cases in which religious police detained persons without the presence of a police officer. Particularly in the more conservative Nejd region, religious police accosted, abused, arrested, and detained citizens and noncitizens, especially women, for allegedly violating dress and behavior standards.

On September 21, the Saudi Gazette newspaper reported that the chief of the CPVPV, Sheikh Ibrahim al-Ghaith, barred the commission’s agents from checking the family sections of restaurants or hotels without first obtaining his permission.

The religious police continued to monitor public behavior. For example, in February CPVPV arrested and jailed a foreign businesswoman for being present in public with a male who was not her relative. Authorities released her the following day.

In February 2007, according to HRW, internal security police in Jeddah and Medina arrested Isam Basrawi, his assistant, and eight other men, all of whom were prominent reform advocates. Basrawi was reportedly released for health reasons in September 2007, although the others remained in prison at year’s end. They have not been charged; however, there were allegations in the media that they financed terrorism outside the country. In November the group and several outside supporters organized a two-day hunger strike to protest their ongoing detention.

Authorities continued to hold without charge Jordanian citizen Tariq Yunis, who was arrested in January 2007 as part of a contractual dispute. An agent for Princess Basma bint Sa’ud bin Abd Al-’Aziz Al-Sa’ud brought a civil case against Yunis alleging that Yunis owed the Princess money.

Amnesty.—During the year the Government continued its tradition of pardoning or granting amnesty on special occasions, including holy days and during Ramadan. For example, the Saudi Gazette reported that the King pardoned 102 prisoners in the Asir and Eastern Province regions on September 5.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary, but one that cooperates with the executive and legislative authorities, with the King as arbiter. Allegations of interference with judicial independence were uncommon. The courts have not attempted to exercise jurisdiction over senior members of the royal family. The Supreme Judicial Council, whose members are appointed by the King, appoints, transfers, and removes judges. The Ministry of Justice (MOJ) disciplines judges. The MOJ judicial system is Shari’a-based, whereas specialized

tribunals in the executive branch decide many civil disputes relying on regulatory/legislative precepts and refrain from ruling on matters Islamic jurisprudence clearly addresses.

The legal system is based on the Government's interpretation of Shari'a in all general courts. Ordinary, or summary, courts exercise jurisdiction over common criminal cases and rely on interpretation of the Koran rather than a penal code in civil suits regarding marriage, divorce, child custody, and inheritance. Their jurisdiction extends to non Muslims for crimes committed in the country. Judgments from these courts can be appealed to two appellate courts located in Riyadh and Mecca. The third and final level is the Supreme Judicial Council, which has 11 members, supervises the work of the lower courts, and expresses legal opinions on judicial questions. The council cannot reverse decisions made by the courts of appeal; however, the council can review lower court decisions and affirm or remand them for reconsideration.

The Ministry of Trade generally adjudicates commercial disputes, but occasionally Shari'a courts try commercial cases with the assistance of an advisory panel. The Ministry of Labor handles all labor disputes through the Commission for the Settlement of Labor Disputes. Other similar bodies deal with monetary issues, traffic, and customs.

Other civil proceedings, such as those involving claims against the Government and enforcement of foreign judgments, are held before various specialized administrative tribunals. The Board of Grievances serves directly under the King and is roughly comparable to administrative courts and hears complaints against government actions including against the religious police. Noncitizens have occasionally won their cases against government actions in these tribunals.

Shari'a is not based on a system of precedent, which can result in widely divergent rulings and has led to complaints that judges have acted capriciously. According to the MOJ, judges are free to base their decisions on any of the four Sunni schools of jurisprudence. In practice judges usually follow the Hanbali school of jurisprudence.

The Government permitted Shia citizens to use their own Jaafari legal tradition to adjudicate cases involving domestic issues, inheritance, and Islamic endowments. The Jaafari system, with jurisdiction over cases in the Al-Ahsa/Qatif area only, consisted of two basic courts, each with two judges in Qatif and Al-Ahsa and a three-judge appeals court in Qatif. The Jaafari courts, however, have limited power. For example, if a litigant disagreed with the Shia court's decision, that person could seek a rehearing in a Sunni court, which could overrule any previous determination.

The military justice system has jurisdiction over uniformed personnel and civil servants who are charged with violations of military regulations. The defense minister and the King review the decisions of military tribunals. Security courts are established within the existing court system and are overseen by Shari'a judges.

The Council of Senior Religious Scholars (Ulema) is an autonomous advisory body of 21 senior religious jurists, including the minister of justice. It interprets Shari'a and establishes the legal principles that guide lower court judges.

Trial Procedures.—Laws and regulations state that defendants should be treated equally in accordance with Shari'a. The law does not require a public trial, and the majority of trials were closed. Whether to open a trial to the public is at the discretion of the judge. Many cases, including capital cases, proceed through trial to verdict and sentencing with no public notice, unless the verdict is reported in the media.

According to the Criminal Procedure Law, defendants do not enjoy a presumption of innocence. The law provides persons under investigation the right to a lawyer and permits lawyers to present arguments in criminal courts; however, an attorney is not provided at public expense if the defendant cannot afford to hire one. The law does not specifically protect a defendant's right to consult with an attorney upon arrest. The law provides for defendants to have access to relevant government-held evidence, and convicted persons are to be informed of their right to appeal rulings. Defendants also have the right to confront or question witnesses against them; however, witnesses are questioned before the initiation of a trial and not during the trial. Juries are not used.

Shari'a discriminates against criminal defendants and civil litigants on the basis of religion and gender, which can affect the admissibility and weight of evidence, and thus the outcome of legal proceedings.

In a Shari'a court, the testimony of one man equals that of two women. Under the Government's interpretation of Shari'a, judges may discount the testimony of persons who are nonpracticing Sunni Muslims, including Shia Muslims. Sources re-

ported that testimony by Shia was often ignored in courts of law or was deemed to have less weight than testimony by Sunnis.

Female parties in court proceedings such as divorce and family law cases generally had to deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge were almost always required for criminal conviction.

Sentencing is not always uniform. In wrongful death cases, the amount of indemnity or "blood money" awarded to relatives has varied with the nationality, religion, age, and gender of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Provincial governors and senior officials have authority to reduce a sentence. In cases between two individuals, the wronged party has the right to accept money or impose no punishment instead of the punishment decreed by the judge.

The King and his advisors review cases involving capital punishment. The King has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin pardon the killer—usually in return for compensation from the family of the convicted person or from the King.

In June 2007 Sri Lankan domestic worker Rizana Nafeek faced execution after being found guilty of murdering an infant in her care. Nafeek had no legal representation. In addition, because she was allegedly provided forged documents in Sri Lanka, she may have been 17 at the time. An appeals hearing revealed that an interpreter may not have been qualified. The infant's family has continuously refused to consider clemency. The appeal of Nafeek's death sentence was pending at year's end.

Political Prisoners and Detainees.—On May 19, security forces arrested Professor Matrouk al-Faleh at King Saud University. On May 17, he had posted on a Web site a three-page criticism of the justice system, including conditions in Buraida Prison following a visit to detained reformers Isa and Abdullah al-Hamid. Al-Faleh remained in prison without charge at year's end. According to HRW, the Government did not permit his lawyers or international humanitarian organizations access to him.

On July 8, authorities released Isa al-Hamid. His brother, Abdullah al-Hamid, was released on August 28. According to press reports, in July 2007 the internal security police arrested the two prominent reformers for instigating a public demonstration during which women peacefully protested the continued detention of relatives without charge or trial. HRW reported that a court in Buraida sentenced the al-Hamid brothers to four and six month prison terms, respectively, in November 2007.

According to HRW, Mansur al-'Awdha, a reform activist from Jawf, has been in al-Ha'ir prison without charge since December 2007.

Civil Judicial Procedures and Remedies.—The Board of Grievances, reporting to the King, considers cases in which a government agency is a party. There were no reports of human rights cases presented to the board during the year.

There were also no reports of lawsuits seeking damages for, or cessation of, human rights violations. Instead, complainants generally referred their cases to the HRC, which either advocated on their behalf or provided courts with opinions on their cases. Domestic violence cases were the most common. The HRC was generally responsive to complaints. Administrative and judicial remedies were available for alleged violations.

Individuals with complaints against police or security forces could file a complaint with their governorate office, which logged complaints and performed investigations. Some investigations reportedly resulted in the discipline or dismissal of police.

Shari'a discriminates against non-Muslims and women in calculating accidental death or injury compensation. According to the prevailing Hanbali interpretation of Shari'a, once a court determines fault, a Muslim male receives 100 percent of the amount of compensation determined, a Jew or Christian male receives 50 percent, and all others, including "polytheists," receive one sixteenth of the amount a Muslim male receives. Women receive 50 percent of what men receive in each of these categories.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Basic Law guarantees the inviolability of homes and the privacy of correspondence. The Criminal Procedure Law requires authorities to obtain a warrant prior to searching a residence or a court order prior to perusing personal correspondence and documents. Royal decrees include provisions for the Government to defend the home from unlawful intrusions, and laws and regulations prohibit officials from intercepting mail and electronic communications except when necessary during internal

security and criminal investigations; in such cases the police must demonstrate reasonable cause and obtain permission from a provincial governor. The Government generally respected this inviolability, but there were some cases in which the Government infringed on these rights, such as religious police raids on private residences.

Despite these legal provisions, customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic or that appeared to be non Sunni Islamic religious material. In some areas, informants reported "seditious ideas," antigovernment activity, or "behavior contrary to Islam" in their neighborhoods to the MOI.

Religious police enforcement of strict standards of social behavior included closing commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing unaccompanied men from entering public places designated for families. Religious police frequently reproached both citizen and foreign women for failure to observe strict dress codes and arrested men and women found together who were not married or closely related. Since there are no clear standards for what constitutes improper attire or prohibited gender mixing, enforcement of these rules is arbitrary and subject to the personal views of CPVPV field officers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law does not provide for freedom of speech or the press, and the Government generally did not respect these rights in practice. Several major media outlets were owned by members of the royal family, and individuals were not permitted to criticize the royal family publicly. The Government actively impeded criticism and monitored citizens' political activity. In rare cases, individuals criticized specific government bodies or actions publicly without repercussions.

According to the Basic Law, the media's role is to educate the masses and promote national unity. Media outlets can legally be banned or publication temporarily halted if they are deemed to promote "mischief and discord, compromise the security of the state and its public image," or if it "offends a man's dignity and rights." The Government continued to restrict freedom of speech and press by interrupting publication and dissemination of news sources critical of the royal family or of Islam. Authorities prevented or delayed distribution of foreign print media, effectively censoring these media and publications. During the year media discussions took place that tested the boundaries of permissible topics for media coverage, including political and social reforms, actions of government ministries, domestic and child abuse, rights of women and human rights, corruption, drug and alcohol abuse, crime rates and violence, trafficking in persons, HIV/AIDS, and the religious police.

The Government continued to enforce existing laws based on Article 12 of the Basic Law, which provides the state with the authority to "prevent anything that may lead to disunity, sedition, and separation." All public employees are enjoined from "participating, directly or indirectly, in the preparation of any document, speech or petition; engaging in dialogue with local and foreign media; or participating in any meetings intended to oppose the state's policies."

An unwritten yet routinely followed media policy prohibits the dissemination of criticism of the royal family and the Government. In this regard, the print media exercised self-censorship. Some newspapers have close ties to members of the royal family, including widely circulated pan-Arab newspapers Ash-Sharq Al-Awsat and Al-Hayat, which members of the royal family own. A 1982 government media policy statement still in effect urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Culture and Information (MCI) must approve the appointment of all senior editors and has the authority to remove them. The Government provides guidelines to newspapers regarding controversial issues. The Government owned Saudi Press Agency (SPA) reports on official government news. All newspapers in the country must be licensed by the Government.

From March to June the press extensively covered the March deaths of six citizens allegedly caused by members of the religious police during high-speed car chases. The deaths resulted in significant criticism both in the print press and in online fora, and the media called for investigations and accountability regarding the accidents. Authorities cleared and released members of the religious police after investigations.

On July 7, Al-Riyadh newspaper reported the arrest of a Saudi judge in Dubai on drug possession and use charges. The MOJ stated the man was not a judge; how-

ever, Al-Riyadh published a confirmation by its sources that the man was a Saudi judge.

In June Prince Faisal bin Abdullah, the President of the Saudi Red Crescent Society and a son of the King, filed a defamation lawsuit against Al-Watan journalist Saleh al-Shehy within the established grievance process set up by the MCI. There was no conclusion by year's end.

In August 2007 the MCI halted distribution of Al-Hayat newspaper, based either on what media reports claimed was the ministry's disapproval of Al-Hayat's "Western style" format and criticism on local issues or an implied link between respected religious scholars and terrorism.

The Saudi Journalist Association operates under a government charter. Membership is voluntary and open to both men and women. Although theoretically noncitizen journalists working in the country were eligible to join, they have no voting rights, and may not attend the association's general assembly. The organization's elected nine-member board of directors includes two women, all approved by the MCI.

During the year access to information and government statistics improved incrementally but remained limited. Access to information related to the Government's budget and accountability of public officials improved. The Government owned and operated most domestic television and radio channels. In domestic broadcast programs, government censors removed references to religions other than Islam, pork or pigs, alcohol, and sex. Private, Saudi-owned satellite networks such as the MBC, Orbit, and ART media groups, although headquartered outside of the country, maintained local offices and operated under a system of self-censorship. Many other foreign satellite stations broadcast a wide range of programs into the country.

Approximately 30 radio stations continued to await operating licenses during the year, although several new independent newspapers began operations.

Although they were technically illegal, the Government did not place restrictions on several million satellite receiving dishes that provided citizens with foreign television programming. Access to outside sources of information, such as Arabic and Western satellite television channels and the Internet, was widespread. The Government did not censor foreign television programming. Royal or affluent merchant families owned most of the media companies that brought foreign television programming to the country via satellite.

Journalists occasionally faced harassment and intimidation via phone calls or e-mails; however, there were no reports of violent harassment of journalists during the year.

In March according to the Committee to Protect Journalists (CPJ), Sheikh Abdul-Rahman al-Barrak, a Saudi cleric, called for the trial of two writers for their "heretical articles" and their deaths if they did not repent. In September the head of the Supreme Judicial Council, Sheikh Saleh al-Lihedan, stated during a radio program that it is permissible under Shari'a to kill owners of satellite television channels that broadcast immoral content. Following strong domestic and international reaction, al-Lihedan clarified his remarks to state that media owners could be subject to the judicial process, including the death penalty.

Media reports noted Al-Ekhbariya TV, a government-run news channel, suspended one of its presenters and temporarily discontinued live broadcasts because the presenter allowed negative comments about a governmental policy to air. The channel later reinstated the presenter. The MCI facilitated the opening of Al-Jazeera Arabic and Associated Press bureaus in Riyadh. At year's end both media outlets could file and broadcast from within the country.

The Consultative Council allowed the media, both print and broadcast, to observe its proceedings and meetings, but the council closed certain high-profile or controversial sessions to the media.

In June 2007, according to AI, university professor Sa'id Bin Zu'air was arrested on charges of financially aiding terrorists; other sources have argued that he may have been arrested to prevent him from appearing on Al-Jazeera and criticizing the Government. He remained in detention at year's end.

Internet Freedom.—The Government restricted access to the Internet, and the Saudi Telecommunications Company (STC) reportedly monitors e mail and Internet chat rooms. During the year more citizens appeared to engage in exchanges of views and information via the Internet, including e-mail and blogs. The Government continued to block access to Web sites it deemed sexual, pornographic, politically sensitive, offensive to the Government or members of the royal family, "un Islamic," or disruptive because of controversial religious content. In October, for example, the STC blocked access to the Voice of Saudi Women Web site for material it deemed in opposition to government policy.

According to the International Telecommunications Union, in 2007 there were approximately 1.8 million Internet subscribers and 6.38 million users. By law access to the Internet was available only through local government monitored servers. In practice the law was not enforced, as some citizens openly circumvented controls by accessing the Internet through servers in other countries via satellite. The Government continued to streamline the process for citizens to request that a site become unblocked. Authorities reported requests have resulted in unblocking certain Web sites. Authorities routinely blocked sites carrying content the Government considered to violate religious norms or to be extremist and anti-government. Most social networking tools such as Facebook were not blocked. The Google social network Orkut remained blocked throughout the year.

The law criminalizes defamation on the Internet, hacking, unauthorized access to government Web sites, and stealing information related to national security. At year's end there were no reported prosecutions; however, authorities did arbitrarily arrest and detain some bloggers posting content the Government found objectionable.

On April 26, authorities released from detention Fouad Ahmed al-Farhan, a popular blogger and owner of proreform Web site Alfarhan.org. Authorities had arrested him in December 2007 and issued no formal charges. Online and print media reports quoted a MOI official stating his arrest was due to "mistakes he committed."

On May 5, a prosecutor charged Rai'f Badawi in absentia with "setting up an electronic site that insults Islam," and asked for a sentence of five years in prison and a fine of three million riyals (approximately \$800,000). According to HRW, Badawi used the site to track abuses by the religious police and question the dominant interpretation of Islam. Badawi sold the Web site and fled the country prior to the charge. In March authorities detained and interrogated Badawi about the Web site for one day.

On November 4, self-identified members of the CPVPV detained poet/blogger Roshdi Algadir in Dammam for "writing poetry with quotations from a book of sorcery and blasphemy." The individuals briefly detained the poet, beat him, and forced him to sign an agreement promising he would not publish his work on the Internet.

Academic Freedom and Cultural Events.—The Government continued to restrict academic freedom. The Government prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Informants reportedly monitored classroom comments and reported to the Government and religious authorities. Academics practiced self-censorship.

In contrast to previous years, several books dealing with taboo subjects such as religious diversity and philosophy were displayed and sold at the Riyadh International Book Fair. Women were permitted to work as book vendors, and the Japanese, French and American booths included female staff during both family and men-only days. However, female visitors were not permitted to approach male authors during book signings, and female writers did not enjoy the same opportunities to sign their works in public. Religious police present during the fair were required to wear identity badges.

Educational exhibitions in Qatif prohibited female participation. For the past two years, the Qatif Educational Fair has been unable to secure government approval for female participation or for a parallel female only educational fair.

The Government censored public artistic expression and prohibited cinemas and public musical or theatrical performances, except those considered folkloric. According to media reports, 12 men suspected of links to the religious police disrupted Riyadh's official spring cultural festival—which featured plays for men and theater and movies for children—by destroying exhibits and approaching visitors who were allegedly violating CPVPV rules. Taif's Okaz Cultural Festival also came under criticism by conservatives for promoting "un-Islamic and pagan tradition," but senior officials and academics publicly defended the government-sponsored festival.

Cultural and recreational gatherings sponsored by private citizens continued, although the organizer cancelled a women's basketball tournament in Jeddah following a series of telephone threats, allegedly from the religious police. The Jeddah Literary Club welcomed a visiting delegation of writers from the University of Iowa, and the Riyadh Literary Club hosted the group for a discussion that was open to the public. Local authorities continued to force closings or social fora in the majority Shia Al-Ahsa region of Hofuf.

The Government temporarily lifted a restriction on the public showing of films with the screening of a movie in Jeddah and Taif in December. Many international and local films were privately screened during the third annual Jeddah Film festival in July. On May 20, the minister of culture and information opened the country's

first official film contest in the city of Dammam. The contest lasted four days and all 33 competing films were produced by citizens.

The Riyadh religious police arrested a television crew for allegedly filming during prayer times.

Public performance of plays and music were allowed if they were traditional and part of a special event. A foreign embassy sponsored a classical concert for a mixed-gender audience in Riyadh. In addition public art exhibitions by male and female artists at hotels, malls, and open galleries were held throughout Jeddah, largely under royal patronage. Another exhibit by a female artist was held in Al-Rashid Mall in Al-Khobar.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The Basic Law does not address freedom of assembly, which the Government strictly limited in practice. Public demonstrations were prohibited.

Public meetings were usually segregated by gender. However, the Jeddah Chamber of Commerce and Industry (JCCI) and other commercial and medical gatherings were frequently mixed gender. At media press conferences, female journalists may be restricted to front-row seats rather than provided a separate room with close-circuit television. The authorities monitored large nonfamily gatherings, particularly if women were present. The religious police dispersed any large nonfamily groups in public places, such as restaurants. However, men and women could mix in some public places that cater to noncitizens.

Authorities arrested at least 12 participants following a demonstration in support of Gazan Palestinians in the Shia-majority city of Qatif, Eastern Province. On December 29, police dispersed a similar demonstration in Qatif, again arresting participants in the subsequent days. However, police did not disrupt another similar demonstration December 29 in Safwa, Eastern Province.

On December 31, the MOI, citing security concerns, denied a request by activists to hold a peaceful sit-in in Riyadh on behalf of Palestinians in Gaza.

In July 2007 police arrested five women after they held a sit in outside a prison to advocate for timely trials for relatives who had been imprisoned. There were no government-permitted peaceful political demonstrations during the year.

Freedom of Association.—The Basic Law does not address freedom of association, and the Government strictly limited this right in practice.

The Government prohibited the establishment of political parties or any group it considered as opposing the regime or possibly overstepping the bounds of criticism by challenging the King's authority. All associations must be licensed by the MOI and comply with its rules and regulations; however, previous requests for licensing from citizens have gone unanswered.

For example, human rights activist Ibrahim al-Mugaiteeb and his group Human Rights First Society (HRFS) applied for a license in 2002. Despite its continued activity, to date the group has received no response to this request. As the group is formally "unlicensed," it remained unclear which group activities were permitted and which could draw criticism or punishment from the Government. Further, without a license the group may not raise operating funds, which severely limited its activities. The Government took no steps to license HRFS during the year but permitted its informal operation.

In September 2007 a group calling itself the Association for the Protection and Defense of Women's Rights in Saudi Arabia transmitted to the King a petition with 1,100 signatures asking for a repeal of the ban on women driving. At year's end the Government had not replied. According to HRW, the group received a warning against mounting any demonstrations. The association did not have legal status at year's end.

c. Freedom of Religion.—The Basic Law states that Islam is the official religion. All citizens are expected to adhere to Islamic principles. The legal system is based on the Government sanctioned version of Shari'a. Conversion by a Muslim to another religion is considered apostasy, and persons accused of apostasy face physical abuse and threats of execution unless they recant. There have been no confirmed reports of sanctioned executions for apostasy since 1992, but in the late 1990's there were reports of prisoners who were beaten to death by government authorities for refusing to recant their alleged apostasy.

There is no legal recognition or protection of religious freedom, and it was severely restricted in practice. The Government limited the practice of all but the officially sanctioned version of Islam, limiting the public practice of Muslim sects other than Sunni Islam and prohibiting the public practice of, profession of, or possession of literature and symbols relating to other religions. The Government stated that as a matter of public policy it protects the right to private worship for all, including

non Muslims who gather in homes for religious services. This right was not always respected in practice and is not defined by law.

The public practice of non Muslim religions is prohibited. Although the Government stated its policy to protect the right to possess and use personal religious materials, it did not provide for this right by law.

In contrast to similar incidents in recent years, the Government reversed its decision to deport foreign Christians arrested for conducting a worship service in incidents in April in the Western Province and in May in Qassim Province.

In June there were reports from Al-Khobar that authorities closed three Shia mosques that had been operating for years. Sunni mosques continued to operate freely and without government harassment.

The law criminalizes blasphemy. On March 31, a court sentenced Sabri Bogday, a Turkish barber, to death after two men reported to the authorities that he blasphemed God and the Prophet Muhammad in his barbershop. On May 1, an appellate court upheld his conviction of blasphemy. At year's end the sentence had not been carried out.

Citizens and especially foreigners were occasionally accused of believing in or practicing "magic," "superstition," and "sorcery." Under the Government's interpretation of Shari'a, magic was regarded as one of the worst forms of polytheism, and is a capital offense. Unlike the previous year, there were no reports of executions of individuals convicted of magic.

In February HRW appealed to the King to stop the execution of Fawza Falih Muhammad Ali, who was arrested in 2005 and accused of witchcraft. There was reportedly weak evidence and the court followed highly irregular procedures. Her case was transferred to the Royal Court in January. At year's end she remained imprisoned and in poor mental health. In November 2007 police officers in Taif arrested a Nigerian woman for alleged witchcraft. No further information was available concerning either case at year's end.

In October the press reported that an appeals court confirmed the sentence of a Sudanese "sorceress" to three years' imprisonment, 1,500 lashes, and deportation.

During the year there were fewer reports of government officials confiscating religious materials and no reports that customs officials confiscated religious materials from travelers, whether Muslims or non-Muslims. Individuals were able to bring personal Bibles, crosses, DVDs of sermons, and other religious materials into the country without difficulty.

There were fewer reported religious police raids on religious gatherings in the Western Hijaz region and in the Eastern Province. In addition there were reports of large public and private celebrations of Shia holidays in Qatif. Government restrictions on celebration of Shia holidays differed by region.

For example, the January Ashura holiday in Qatif was marked by a greater number of commemorations and participants than in past years and less security presence. In addition there was wider practice of ritual self-flagellation, a practice the Government had previously sought to discourage.

In contrast, in other areas with large Shia populations such as al-Ahsa and Dammam, authorities continued to restrict Shia religious practices. The Government imposed restrictions on public observances of Ashura in these and other areas where both Shia and Sunni live. Authorities banned public marches, loudspeaker broadcasts of clerics' lectures from Shia community centers, and in some instances, gatherings within the centers. There were reports that these measures were applied strongly in al-Ahsa, where the local governor allegedly gathered approximately 30 Shia community leaders two weeks before the Ashura celebration to warn them against public celebrations. It was not clear if this action was expressly anti-Shia or designed to prevent conflict in mixed areas. In addition, security forces patrolled the streets of al-Ahsa to ensure that there were no banners or flags, which are associated with the religious holiday.

In February the Government reportedly prohibited the public celebration of the Shia Arbacen religious holiday in all areas except the majority Shia area in Qatif.

On June 22, authorities arrested a prominent Shia sheikh in al-Ahsa after he called a previous anti-Shia statement by 22 Salafi clerics an incitement to violence and demanded greater rights and political representation for the Shia of al-Ahsa. Authorities detained the sheikh for one week.

On October 13, the Web site Al-Rasid reported that authorities arrested Shia rights activist Farid al-Nemer as he returned from Bahrain. He was allegedly arrested and detained for five or six days for his antigovernment and pro-Shia activities.

The Ministry of Islamic Affairs (MOIA) took measures to reduce extremist rhetoric in sermons. On February 22, Okaz newspaper reported that the MOIA appointed 1,500 people to monitor sermons in mosques and the activities of imams

across the country. According to the article, a leading MOIA official fired some imams due to violations of MOIA regulations. On April 28, Al-Watan reported that the Jeddah branch of the MOIA had summoned a number of imams and khateeb (those who deliver a sermon during Friday prayer) for questioning related to their deviation from MOIA directions intended to prevent the preaching of extremist ideologies.

On October 17, the Saudi Gazette reported that Minister of Islamic Affairs Sheikh Saleh Bin Abdul Aziz Al-Sheikh stated that imams were free to address modern issues in their sermons but within limits. He stated that imams are not permitted to defame countries, people, or organizations, and that imams have the role of correcting misconceptions and counteracting deviant thought.

The Government did not officially permit non Muslim clergy to enter the country for the purpose of conducting religious services, although some did enter under other auspices, and the Government generally did not disrupt discreet religious functions. Such restrictions made it difficult for most non Muslims to maintain contact with clergymen and attend services but did not prevent them from gathering to practice their faith. Proselytizing by non Muslims, including the distribution of non Islamic religious materials such as Bibles, was illegal. Anyone wearing religious symbols in public that were considered idolatrous within the Hanbali school risked confrontation with the religious police.

Islamic religious education was mandatory in public schools at all levels. Regardless of the Islamic tradition to which their families adhere, all public school children receive religious instruction that conforms to the conservative Hanbali tradition of Sunni Islam. Expatriate non Muslim students in private schools were not required to study Islam. There was inconsistent enforcement of the law that imposes quotas on attendance of non-Saudi Muslim children at international schools in the country (other than their national community schools).

In contrast to the previous year, there were no reports that religious police pressured employers and sponsors to reach verbal agreements with non Muslim employees that they would not participate in private or public non Muslim worship services.

Societal Abuses and Discrimination.—The Government continued to enforce the Wahhabi interpretation of Sunni Islam. Adherents of Shia Islam faced significant political, economic, legal, social, and religious discrimination condoned by the Government, including limited employment and education opportunities and underrepresentation in official institutions. There were also restrictions on the practice of their faith and on the building of places of worship and community centers.

The Shia Muslim minority, estimated to be between 8 and 10 percent of the citizen population, lived mostly in the Eastern Province, although a significant number resided in the Western Province and in Najran in the southwest. The local government in the Najran area subjected members of the Sulaiman Ismaili minority (a branch of Shia Islam) to officially sanctioned discrimination in employment, the justice system, and the ability to practice their religion freely.

At year's end Hadi al-Mutif, a Sulaimani Ismaili Shia, remained imprisoned under a 1996 death sentence for "insulting the Prophet Muhammad." Then-King Fahd stayed the death sentence and King Abdullah upheld the stay; however, al-Mutif has remained in prison and has faced periods of solitary confinement following suicide attempts.

While they constituted approximately 40 percent of the Eastern Province population, there were only three Shia among the 150 members of the Consultative Council, the royally appointed body that advises the King, initiates legislation, and reviews and comments on policies as requested.

On January 25, the Al-Rasid Web site reported that extremists distributed leaflets in the Eastern Province before Ashura accusing the Shia of plotting to demolish the Grand Mosque in Mecca, remove the Kaaba and the Prophet's Mosque in Medina, and annihilate all Muslims except the rafidah, a branch of Shia Muslims.

On September 7, police arrested Shia religious leader Shaikh Tawfik al-Amer for performing prayers according to Shia practice. Authorities released him after 11 days in detention. According to NGO reports, police also arrested al-Amer in June for criticizing a statement signed by 22 Sunni clerics that described Shia as enemies of Sunnis.

There were no public places of worship for non Muslims. Although significant numbers of Christians, Hindus, Buddhists, and a few Jews resided in the country, no public churches, temples, or synagogues were allowed. There were reports of violence against and harassment of Christians, due to societal discrimination against foreign workers coupled with religious discrimination.

The Government required noncitizens to carry legal resident identity cards that contained a religious designation for “Muslim” or “non Muslim.” Unlike in previous years, there were no reports that some sponsors withheld pay and residency card renewal based on religious factors.

There were reports that religious vigilantes, unaffiliated with the CPVPV and acting on their own, harassed and assaulted citizens and foreigners.

On infrequent occasions, editorial cartoons exhibited anti-Semitism characterized by stereotypical images of Jews along with Jewish symbols and comparisons of Israeli government actions to those of the Nazis. Anti Semitic editorial comments sometimes appeared in the Government and private print and electronic media in response to regional political events.

There continued to be instances in which Sunni imams, who receive government stipends, used anti-Jewish, anti-Christian, and anti-Shia language in their sermons and some instances in which mosque speakers prayed for the death of Jews and Christians, including from the Grand Mosque in Mecca and the Prophet’s Mosque in Medina. There were reports the MOIA dismissed some imams for espousing intolerant ideas, but other imams who made such statements were allowed to continue. There were reports of imams in the Eastern Province who included calls for divine punishment of Jews as part of special prayers.

Since 2001 the Government has claimed it has projects under way to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam. Despite its most recent effort begun in 2006, elementary and secondary education textbooks still retained some language that was intolerant of other religious traditions, especially Jewish, Christian, and Shia beliefs, and in some cases provided justification for violence against non-Muslims.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Basic Law does not provide for these rights.

Freedom of movement was restricted. The Government restricted this right for women based on its interpretation of Shari’a. With the exception of some rural areas where the restriction was not enforced, all women in the country were prohibited from driving. The Government must issue an exit visa for an individual to leave the country. A male citizen younger than 21 requires the permission of his guardian to travel outside the country. Minor and single adult daughters of citizen fathers must obtain written permission from a male relative. A woman can obtain her own national photo identity card, although the Government required permission from a male relative or guardian. A female citizen with a valid passport can obtain an identity card on the basis of her own passport; however, if a woman does not have a passport, she needs a male guardian to verify her identity. During the year the Government continued to issue national identity cards to women, despite opposition by religious conservatives. There were reports that some women had difficulty obtaining identity cards.

If a husband refused to grant his noncitizen wife permission to travel, her choices were to divorce her husband or not to travel. If she divorced her husband, the Government could issue her an exit visa, but she was unlikely to be allowed to reenter the country. In March the Government instituted a prenuptial agreement for marriages in which the wife is a noncitizen. Both partners must sign an agreement that permits the noncitizen wife to travel without the husband’s permission. The law is not retroactive.

Females and minor children, even those with dual nationality, may also be subject to “blacklisting” by government entities or family members wishing to prohibit their travel. A January royal decree gave women the right to check into hotels without a male guardian. In cases involving custody disputes of citizens or resident noncitizens, the male guardian is legally able to prevent the travel of his spouse and his minor and adult children out of the country.

The Basic Law prohibits employers from retaining foreign workers’ passports; in practice, most sponsors reportedly disregarded the law and retained possession of foreign employees’ passports. Foreign workers must obtain permission from their sponsors to travel abroad. Sponsors involved in a commercial or labor dispute with foreign employees could ask the authorities to prohibit the employees from departing the country until the dispute was resolved. In some contract disputes, sponsors used this leverage to force employees to accept disadvantageous settlements or be deported. Foreigners were allowed to reside or work in the country only under the sponsorship of a citizen or business. The law did not permit foreigners to change their workplace without their sponsor’s permission.

The Government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to these individuals until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will.

The Government did not use forced exile, but it has previously revoked the citizenship of opponents of the Government who resided outside the country.

Citizens may emigrate. The Government prohibited dual citizenship; however, only children who held other citizenship by virtue of birth abroad were permitted to leave the country using noncitizen passports. A 2005 citizenship law allows certain long term residents and other foreigners to obtain citizenship.

The Government continued to impose travel bans on some reformers. Authorities sometimes confiscated passports of suspected opposition members and their families. In addition the Government revoked the rights of some citizens to travel outside the country for political reasons without notifying the individual or providing opportunities to contest the restriction.

In December authorities stopped previously detained blogger Fouad al-Farhan in the Jeddah airport and prevented him from leaving the country to speak at the third annual Arab Free Press Forum.

Authorities have banned Abdulrahman al-Lahem, the lawyer for the female victim in the 2006 Qatif rape, from travel abroad since 2004. During the year the Government prevented him from traveling abroad to receive two prestigious human rights awards. The travel ban was scheduled to expire in March 2009. In November 2007 authorities suspended and confiscated his license to practice because of his attempts to publicize the rape case. His license was reinstated during the year.

The NSHR reported in 2007 that some Shia activist writers and public figures have been stripped of their identity cards for as long as 15 years and denied any document proving their nationality because they had allegedly illegally acquired national identity. Some in this group had papers proving they had been serving in government posts for long periods. Others had their identity cards taken away.

Protection of Refugees.—The Basic Law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government claimed to provide protection against refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. The Basic Law provides that “the state will grant political asylum, if so required by the public interest.”

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. Government policy is not to grant refugee status to persons who are in the country illegally, or who have overstayed a pilgrimage visa.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum-seekers.

The UNHCR Representative Office to the Gulf Cooperation Council (GCC) countries reported that as of July, 57 Iraqi refugees remained in the country. The Rafa refugee camp was closed last year. According to a representative of the UNHCR, since 1991 the UNHCR has facilitated the resettlement of more than 25,000 Iraqi refugees to third countries.

During the year the UNHCR did not find any evidence of forcible repatriation. In September there were three cases in which Chinese Muslim Uighurs awaiting resettlement were threatened with possible deportation.

Stateless Persons.—UNHCR unofficially estimated that there were 70,000 stateless persons in the country, almost all of whom were native-born Arab residents known as Bidoon. As noncitizens, Bidoon were unable to obtain passports and had limited ability to travel abroad. During the year, the MOI, the NSHR, and the HRC for the first time announced their intent to study the Bidoon issue.

Bidoon include those whose ancestors failed to obtain nationality, such as descendants of nomadic tribes who were not counted among the native tribes during the reign of the country’s founder, King Abdulaziz; descendants of foreign born fathers who arrived before citizenship was institutionalized; and rural migrants whose parents failed to register their births. Bidoon were denied employment and educational opportunities because of their lack of citizenship. Bidoon were among the poorest residents of the country due to their marginalized status. The Ministry of Education took steps to admit Bidoon children to school. The Government issued resident permits to Bidoon for 5-year periods.

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

Citizens did not have the right to change their government peacefully. The Basic Law states that the Government is established on the principle of shura (consultation) and requires the King and crown prince to hold majlis meetings, open door events where in theory any male citizen or foreign national may express an opinion or a grievance. A prince or other important national or local official can also hold a majlis. The Basic Law states that all individuals have the right to communicate with public authorities on any issue. The Government interpreted this as a right to be exercised within traditional nonpublic means, not through the use of mass media.

Elections and Political Participation.—Under the family monarchy system enshrined in the Basic Law, only a few members of the ruling family have a voice in the choice of leaders, in the composition of the Government, or in changing the political system. In 2006 the King issued a new succession law that amended the 1992 Basic Law and formalized the process by creating the Allegiance Commission that will select a King and crown prince upon the death or incapacitation of either. The Allegiance Commission is composed of all living sons and, for sons who are deceased, some grandsons of Abdulaziz bin Abd Al Rahman Al-Saud, the founder of the modern kingdom. This commission expands the role of the ruling family in the selection process.

The King serves as prime minister and his crown prince serves as deputy prime minister. The King appoints all other ministers, who appoint subordinate officials with cabinet concurrence.

Only male, nonmilitary citizens at least 21 years of age were eligible to vote in the nationwide 2005 elections for 592 seats on 178 municipal advisory councils (half the total seats). There were no independent election observers. Unofficial estimates were that between 10 and 15 percent of eligible voters actually voted. The King completed the formation of the councils in 2005 by appointing 592 men to fill the other half of the council seats.

The 1992 Basic Law also created the Consultative Council that reviews, votes on, and provides recommendations to the King on some legislation proposed by the ministries. The Consultative Council consists of 150 male members appointed to four-year terms in 2005 and is divided into 11 committees. The council has authority to initiate its own legislation, which is sent to the King for approval. The Government generally accepted the council's proposed amendments. The council held hearings with some government officials to review the performance of their ministries; all government ministers, including senior princes, were required to submit to hearings. Some but not all of the hearings were televised after the fact. The council has the power to request documents from government ministries. It has indirect and limited budget authority in that it must approve the spending priorities of different ministries. The council effectively blocked the imposition of new taxes.

The Supreme Ulema Council is another advisory body to the King and the cabinet. It reviews the Government's public policies for compliance with Shari'a. The council is an important source of religious legitimacy for the Government and royal family and the Government generally responded to the Ulema's opinions on legislation and policy.

Communication between citizens and the Government traditionally has been expressed through client patron relationships and by affinity groups such as tribes, families, and professional hierarchies. Ministers and district governors could be approached for discussion at their weekly open forum.

It was not legal to form political parties. The Green Party was the only political party that operated, and it did so illegally. In 2006 the Paris based group Saudi Democratic Opposition Front (SDOF) announced its formation and called for the peaceful overthrow of the monarchy. During the year the SDOF was not publicly active.

During the year and since 1992, various groups, including women and Shia, have submitted petitions calling for political reform. Women were not permitted to vote and did not sit in the cabinet or as judges. However, the Government allowed women to run for positions on the board of the Riyadh Chamber of Commerce and Industry, although none were elected. In 2007 two women were elected to the board of the JCCI. There were no women in the 150-member Consultative Council, in the cabinet, or on the Supreme Judicial Council. In 2006 the Consultative Council appointed six women as part time advisors on family and women's issues.

There were no religious minorities in the cabinet. Only three of the 150-member Consultative Council and some judges were Shia, although no laws prevent the participation of religious minorities in the Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption by employees. Employees who accept bribes face 10 years in prison or fines of as much as one million riyals (approximately \$267,000). However, corruption remained a problem and there was widespread public perception of corruption on the part of some members of the royal family and the executive branch of the Government. The absence of transparency in government accounts and in decision-making encouraged this perception. Public officials were not subject to financial disclosure laws, and there were no laws providing public access to government information, including ministerial budgets. However, in contrast to previous years, information concerning specific instances of corruption, allegations regarding corruption, and government actions against corruption was publicly available within the country. The Consultative Council called ministers before it for questioning in exercise of its oversight responsibility.

The Prosecution and Investigation Commission, an independent body reporting to the Council of Ministers, investigated cases of corruption against public service officials. The commission considered 12,466 cases involving public service officials and agencies during the first half of the year. The commission identified instances of forgery, bribery, and public mistreatment, among others. During that same period, the Court of Grievances delivered 2,695 verdicts on criminal (1,368) and disciplinary cases against public officials and agencies.

On August 14, the Saudi Gazette reported that Minister of Health Hamed Al-Mane revealed an attempt by a private company to bribe a ministry employee. The employee reported the bribery attempt; authorities arrested the company representative and financially penalized the company.

On October 8, Arab News requested an investigation on corruption involving contracts for major road work, highlighting a project originally contracted for 698 million riyals (approximately \$186.1 million) that was subcontracted multiple times and ultimately performed for 18.2 million riyals (\$4.9 million).

In November a court in Taif ruled against 26 individuals, including 24 civil servants, accused of accepting bribes of approximately 100,000 riyals (\$27,000).

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

Government actions to protect human rights are guided by its interpretation of Shari'a. According to Article 26 of the Basic Law, "The State shall protect human rights in accordance with the Islamic Shari'a."

Two MOI-licensed domestic human rights institutions—the Governmental HRC, founded in 2005, and the government-funded NSHR—operated in a restricted ambit and were reliant on government support. The one nonlicensed human rights group, HRFS, operated without legal status. In September 2007, according to HRW, a group of citizens presented a second request, following an initial one in 2003, to the minister of social affairs to register the "National Saudi Committee of Human Rights." There is no information on a government response.

The NSHR continued to receive requests for assistance and complaints about the Government. Most of its members are academics, and two of its former members are ministers. Ten of its 41 members were women. The NSHR maintained offices in Jeddah, Dammam, Riyadh, and Jizan. The NSHR attempted to resolve cases by working with government agencies. The NSHR developed a booklet titled "Get to Know Your Rights," which was available in multiple languages. The booklet informs those accused of crimes of their rights under the law with respect to arrest, investigation, search, and trial. The Government funded NSHR and accepted the group's advice and opinion but did not always act on its recommendations.

On September 3, the HRC announced the opening of a women's branch in Riyadh to look into human rights violations involving women and children. In October the HRC reported that the branch had handled 52 domestic violence cases. On September 9, the Arab News reported that the HRC handled more than 10,000 complaints in its first three years in existence.

During the year the HRC facilitated a visit by HRW to examine the conditions of expatriate laborers. HRW published a report of its findings critical of the country. HRW and AI on various occasions criticized the Government and called on it to halt scheduled executions or highlighting the arrest and detention of activists. The Government generally viewed international NGOs with suspicion. In October HRW formally requested permission to visit the country to observe trials of terror suspects; the request had not been granted by year's end.

From February 3 to 13, Yakin Erturk, the UN Special Rapporteur on Violence against Women, its Causes and Consequences, visited the country. Requests to visit the country by five different UN human rights special rapporteurs or working groups dating from 2005 remained unanswered at year's end.

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

The law prohibits discrimination based on race but not nationality. Nevertheless, there were reports of racial discrimination against persons of non-Arab descent, especially persons of African descent. The prevailing interpretation of Shari'a institutionalizes discrimination based on gender, witnessed in application of inheritance and divorce laws and legal process, as well as in restricted educational and socioeconomic opportunities for women. The Government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shia minority continued to suffer social, legal, economic, and political discrimination.

Women.—Discrimination against women was a significant problem. For example, UN special representative Yakin Erturk, while acknowledging progress in the status of women, and particularly women's access to education, noted the lack of women's autonomy, freedom of movement, and economic independence; discriminatory practices surrounding divorce and child custody; the absence of a law criminalizing violence against women; and difficulties preventing many women from escaping abusive environments.

Shari'a prohibits abuse and violence against all innocent persons, including women. Shari'a also criminalizes rape, an act punishable by death, although this punishment did not extend to spousal rape. Statistics on incidents of rape and convictions were not available, but some cases were publicly known. For example, on April 20, Arab News reported the Government executed two soldiers for the rape of a 20-year-old noncitizen woman. On October 14, as reported by the Saudi Press Agency, authorities executed a citizen in Qassim for theft and rape under the influence of alcohol.

Cases of rape were difficult to document in view of the associated social stigma against the victims; however, available information indicated that rape against women and boys and domestic violence against women remained serious problems. The majority of rape cases are not reported because victims face societal reprisal, often being deemed unfit for marriage or even punished as a result of having been raped.

There were no laws specifically outlawing domestic violence, and the number of cases was difficult to determine due to taboos about public reporting. In 2007 the NSHR reported that women continued to suffer largely unreported abuse at the hands of their husbands, fathers, and brothers. Violence against women was widely tolerated. Abusers were rarely prosecuted, and investigations were rarely carried out for complaints of violent attacks, rapes, murders, or suicides of women. Women who reported rape faced imprisonment and accusations of adultery.

In July 2007, in response to the lack of services for victims of domestic violence, the King issued a royal decree establishing the National Family Safety program. In September the Committee of Social Protection, a new organization consisting of various government departments, launched a program to inform health workers about domestic violence and child abuse. During the year the HRC fielded complaints of domestic abuse and facilitated their resolution by referring them to other government offices. In 2007 media reports highlighted the lack of effectiveness by public institutions in responding to domestic violence. Public institutions, including the Ministry of Social Affairs, HRC, and NSHR, continued to receive reports of domestic violence. Reports indicated improvement in responsiveness to claims from the public. Media reports on the problem decreased during the year.

According to a study by HRW, there were approximately 1.5 million foreign domestic workers in the country, most of whom were women. No statistics were available on the frequency of domestic worker abuse; however, foreign NGOs and the English language press frequently reported cases. On June 12, the Saudi Gazette reported an Indonesian domestic worker was admitted to a Dammam hospital with signs of physical abuse and died shortly after being admitted. On June 27, Arab News reported a domestic worker was gang-raped by four men, including her employer, and left at the gate of her country's embassy. On July 27, Arab News reported a domestic worker had taken shelter at her country's embassy after she was abducted and gang-raped. On August 8, a Nepali woman sought help from her embassy and claimed rape and physical abuse by her sponsor.

The English language press published several editorials calling attention to problems relating to domestic workers' rights. Embassy representatives from origin countries stated that cases of foreign domestic worker abuse were increasing, but added that these represented the minority of experiences among their nationals in the Kingdom. NSHR submitted proposed changes to the sponsorship system that would redefine the relationship between employee and sponsor, with the intent of

decreasing abuse; the Government had not acted on these recommendations by year's end.

More than 500 domestic workers sought shelter at their respective embassies as a result of sexual abuse or other violence. Foreign embassies received many reports that employers abused foreign women working as domestic servants. Some embassies from countries with large domestic servant populations maintained safe houses for citizens fleeing work situations that included forced confinement, withholding of food, nonpayment of salaries, beating, physical abuse, or rape. In one case an employer accused a recruiting agency of beating domestic workers. The media and diplomatic missions of sending countries accused employers of committing many abuses against domestic workers, such as forced confinement, withholding of food, nonpayment of salaries, and beatings.

During the year reports of domestic worker abuse increased. According to the Arab News, the Indonesian Embassy reported 102 complaints of sexual assault and 156 cases of physical torture involving its citizens in the first half of the year. The Sri Lanka Bureau of Foreign Employment reportedly decided to curb the number of Sri Lankan domestic workers coming to the region, citing increased cases of abuse. An estimated 500,000 Sri Lankan domestic workers live in the Kingdom. On September 11, the Saudi Gazette reported that the Government of the Philippines is considering increasing the minimum age requirement for Philippine domestic workers in the country to reduce exposure to abuse. A public awareness campaign called "Don't Deprive Me of My Humanity," launched by a television station in Qatar and broadcast in the country, highlighted abuse of domestic workers through graphic imagery and sparked national debate on the subject.

Prostitution is illegal. However, some women (and men), primarily noncitizens, reportedly engaged in prostitution. The extent of prostitution was unknown. Trafficking of women and children for commercial sexual exploitation was reported.

Law and custom discriminated against women. Women—particularly in villages and rural areas—continued to face discrimination and remained uninformed of their rights under Shari'a. Although they have the right to own property and are entitled to financial support from husbands or male relatives, women have few political or social rights and were not treated as equal members of society. In accordance with the religious establishment's interpretation of Shari'a, women were prohibited from marrying non Muslims, but men were permitted to marry Christians and Jews. Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women from outside the six states of the GCC.

There were no legally recognized human rights groups focusing specifically on women's rights. NSHR addressed various women's rights issues. HRC opened a women's branch in Riyadh to look into human rights violations against women and children. Human rights activists reported there was more progress in women's rights than in other human rights areas.

Women were restricted in their use of public facilities when men were present and sat in designated sections. Women risked arrest by religious police for riding in a vehicle driven by a male who was not an employee or a close male relative.

In public a woman must wear an abaya (a black garment that covers the entire body) and also cover her head and hair. The religious police generally expected Muslim women to cover their faces and non Muslim women from other Asian and African countries to comply more fully with local customs of dress than non Muslim Western women.

Women were also subject to discrimination under Shari'a as interpreted by the Government. While Shari'a provides women with a basis to own and dispose of property independently, women were often constrained from asserting such rights because of legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women, and Shari'a stipulates that daughters receive half the inheritance awarded to their brothers.

Divorce laws also discriminated against women. Women had to demonstrate legally specified grounds for divorce, but men could divorce without giving cause. In doing so men were required to pay immediately an amount of money agreed upon at the time of the marriage that serves as a one time alimony payment. Women who demonstrate legal grounds for divorce also were entitled to this alimony. Under the country's interpretation of Shari'a, husbands who "verbally" divorce their wives, or refuse to sign final divorce papers, leave their wives in legal limbo, unable to travel, obtain a business license, attend a university or college, or seek hospital care. If she is divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: seven years for boys and nine years for girls. Courts awarded custody of older children to the divorced husband or the deceased husband's family.

Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students but could not study some subjects such as architecture or civil engineering. Women's participation increased in vocational training, with course offerings in information technology, finance and accounting, and fields that promoted development of small business, such as graphics, Web design, food manufacturing and fashion. On October 15, Arab News reported that under the King Abdullah Foreign Scholarship program, 2,858 of 4,779 students selected for master's degree scholarships were women. Of the 127 students selected for doctoral degree scholarships, 86 were women. Men may study overseas; the law provides that a woman may do so only if accompanied by a spouse or male guardian or the family provides written permission. The Government paid the costs for a male guardian (or in some cases an older female guardian) to accompany female students on scholarships.

Most employment opportunities for women were in education and health care. Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and returned to work in architecture, journalism, banking, and photography. During the year women were allowed to study law for the first time. In October King Abdullah launched construction of the country's first women-only university.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male relatives present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present were segregated by gender. Frequently, contact with a male supervisor or client was allowed only by video conference, telephone, or fax machine. The degree of segregation varied by region, and the central region had the most restrictions. Despite gender segregation, the law provides women the right to obtain business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials.

Businesswomen were constrained by the concept of guardianship, which required a male guardian to give permission before a woman could own or operate a business. However, home-based and women-only businesses increased, with government support. According to a study by the JCCI, 78 percent of women were unemployed, although 45 percent of respondents saw no hurdles that prevented their participation in the job market.

In medical settings and in the energy industry, women and men worked together, and in some instances women supervised male employees. Women have the right to maternity leave and child care in establishments with 50 or more female employees.

Sexual harassment as a social phenomenon was reported in the Arabic language press, but its extent was difficult to measure. The Government's interpretation of Shari'a currently guides courts on cases of sexual harassment, which are seldom reported. Many workplaces maintained separate male and female work spaces.

Children.—The Government acted to protect children, and society generally considered protection of children a human rights priority. The Government provided all citizen children with free education and medical care, but these benefits did not extend to noncitizen children. Children were segregated by gender in public and government-sponsored schools, usually beginning at the age of seven; however, schools were integrated through the fourth grade, or around the ages of 10 and 11, in some areas.

Abuse of children occurred, although it was difficult to gauge its prevalence since the Government kept no national statistics on child abuse. The Committee for Social Protection initiated a campaign to train health workers to identify signs of abuse. At least three NGOs—one in Riyadh, one in Qasim, and one in Jeddah—ran shelters for women and children.

The press reported a number of cases of child marriage involving young female children wed to young male children or to much older males, both by arranged marriage and without the participants' consent. Several cases were challenged in court. On August 18, the Saudi Gazette reported a court in Bisha granted the divorce of a 14-year-old girl and a 70-year-old man. On August 29, the Saudi Gazette reported a court would hear the divorce cases of two minor females, ages 16 and 11, both married to men older than 70. In December a judge refused to annul the marriage of an 8-year-old girl to a man in his 50s in a case that drew international media attention. The girl's father arranged the marriage to help settle his debts with a close friend. These cases led the public, the media, and local human rights organiza-

tions to call for an end to child marriages. The HRC called upon the MOJ to establish a minimum age for marriage, highlighting that the country is a signatory to the 1996 Convention on the Rights of the Child. In November the Consultative Council recommended that the King raise the legal age of adulthood from 15 to 18.

In contrast to previous years, there were no reports of sexual exploitation of foreign children brought to the country during the Hajj.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons. The labor law penalizes some types of forced labor but limits penalties to fines and bans on future hiring of the trafficked person. The labor laws do not apply to domestic servants, the largest group of forced labor victims in the country. There is no law specifically prohibiting trafficking for commercial sexual exploitation. The Government did not demonstrate efforts to criminalize trafficking as a distinct crime during the year. There have been some cases of assault against foreign workers resulting in physical injuries or death and reports of widespread worker abuse. The Government reported no criminal investigations, prosecutions, convictions, or sentences for trafficking offenses, and there were no penalties prescribed for particular offenses. The Government does not enforce fines or bans on hiring workers imposed upon abusive employers or recruitment agencies, and police were criticized for being unresponsive to requests for help from foreign workers. The Government on rare occasions imposed small fines or bans on importing foreign labor to individuals or companies found culpable in nonpayment of employees.

The country was a destination for large numbers of workers from Bangladesh, India, Sri Lanka, Egypt, Yemen, Pakistan, the Philippines, and Indonesia and for smaller numbers of workers from many other Middle Eastern, Asian and African countries. The hiring of African laborers, particularly as domestic servants, increased due to a decrease of Asian and Southeast Asian domestic workers. Some foreign workers were subjected to conditions that constituted involuntary servitude, including nonpayment of wages, debt bondage, withholding of passports, confinement, and forced 18-hour days with no days off. Domestic employees were especially vulnerable to trafficking into forced labor, in part due to deceptive hiring practices. The widespread practice of the employer holding passports and requiring the permission of the employer to secure an exit visa greatly increased the risk of trafficking, particularly for domestic workers. The Saudi Gazette reported on August 23 that the number of illegal maids in the country increased by 40 percent during the year. Many domestic workers leave their original employer to flee abuse or seek higher wages. Women from Yemen, Morocco, Pakistan, Nigeria, Ethiopia, Tajikistan, and Thailand were also trafficked to the country for commercial sexual exploitation, although no statistics indicate the prevalence of this practice. Others were reportedly kidnapped and forced into prostitution after running away from abusive employers. The country is a destination for children from Niger, Yemen, Pakistan, Afghanistan, Chad, and Sudan, with victims often trafficked for forced labor as beggars and street vendors. Many of these individuals were trafficked across the border with Yemen. The MOI addressed the problem of children forced into begging by conducting raids to return trafficked children to their home countries.

The embassies of Sri Lanka, Indonesia, and the Philippines maintained unofficial (unlicensed) safe houses in Riyadh for their citizens who were victims of trafficking. The consulates of these countries maintained safe houses in Jeddah. In August the Sri Lankan Consulate in Jeddah reported there were five people staying in the consulate's safe house, which can hold a maximum of 25–30 people. An estimated 1 percent of cases the Sri Lankan Consulate received involved abuse by employers; the consulate estimates another 1 percent of Sri Lankan domestic workers were trapped against their will by their employers and could not reach the consulate. Approximately 500,000 Sri Lankans work in the country. In August the Philippines Consulate in Jeddah reported 46 women were staying at the consulate safe house.

The Government provided trafficking awareness and technical training for officials in the justice community, including prosecutors, investigators, and judges. However, it is not clear how many officials participated in this training. Due to a lack of victim identification procedures in deportation centers and police stations, many victims of trafficking reportedly were arrested and deported rather than being afforded protection services. Some victims were protected at one of three shelters the Ministry of Social Affairs operated in Riyadh, Dammam, and Jeddah. Trafficking victims who needed medical care were treated at public hospitals. Others feared arrest or deportation due to their status as runaways (technically, it is illegal for a foreign employee to run away from a legal sponsor in the country) or as prostitutes; as such, most victims fled directly to their respective embassies to await repatriation rather than approaching the Government. The Government assisted some domestic worker trafficking victims with shelter, access to legal and medical serv-

ices, and temporary residency status, including temporary relief from deportation. The Government did not provide information about whether protection services were afforded to victims of commercial sexual exploitation.

There were no reports of government or police involvement in trafficking during the year.

The Government distributed a brochure outlining noncitizen workers' rights and obligations, as well as contact information for seeking assistance. The brochure is distributed to foreign embassies and is available at ports of entry.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law does not prohibit discrimination against persons with disabilities. A 2000 royal decree provides prevention, welfare and habilitation services to persons with disabilities and their families, and encourages institutions and individuals to contribute to charitable activities within the field of disability. There is no legislation that mandates public accessibility; however, newer commercial buildings often included such access, as did some newer government buildings. The provision of government social services increasingly brought persons with disabilities into the public mainstream. The law provides hiring quotas for persons with disabilities, but information regarding whether employers met these quotas was not available. The Government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

Foreign criminal rings reportedly imported children with disabilities for the purpose of forced begging. According to the Ministry of Social Affairs, there were numerous government sponsored centers for persons with disabilities, including organizations for children with Down syndrome and autism.

On July 3, the JCCI held an entertainment festival for persons with disabilities. The festival aimed to encourage local businesses to hire persons with disabilities.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and had the most difficulty in obtaining justice for their grievances.

During the year there were fewer media reports of married couples whom family members forced to divorce because either the husband or wife was from "inappropriate lineage," i.e., a nontribal family or an "inferior" tribe. In January an appeals court in Riyadh upheld the forced divorce of Fatima al-Timani and her husband. Al-Timani's half-brothers successfully filed for their divorce on the grounds that the husband had lied about his tribal lineage.

Other Societal Abuses and Discrimination.—Under Shari'a as interpreted in the country, sexual activity between two persons of the same gender is punishable by death or flogging. It is illegal for men "to behave like women" or wear women's clothes and for women to wear men's clothes. There were reports of societal discrimination, physical violence, and harassment based on sexual orientation.

In June the Saudi Gazette reported that the Court of Cassation declined to endorse an "excessive" court sentence of a man convicted by a lower court of "trying to be a woman" by wearing makeup and women's clothes. The lower court sentenced the man to 10 years' imprisonment and 1,500 lashes. No further information on the sentence status was available.

According to media reports, in late July police arrested 55 people at a "gay party" on a farm near Qatif. Also in July, police arrested a group of persons at a pool hall in Jeddah for "practicing homosexuality." At year's end there were no reports of outcomes in either case.

In October 2007 a court in al-Baha Province sentenced two men to 7,000 lashes each for engaging in sexual intercourse with other men. According to AI, the two men have reportedly received part of their sentence.

There was no overt discrimination against persons with HIV/AIDS, although the disease is treated as a social taboo. Press reports indicated the disease was found in noncitizens. By law foreign workers were required to provide a health certification proving they did not have HIV/AIDS before entering the country.

Incitement to Acts of Discrimination.—In 2007 the Government reported that the 2006 multi year project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam was under way. Despite revisions to elementary and secondary textbooks, the books still retained some language that was intolerant of other religious traditions, especially Jewish, Christian, and Shia beliefs.

Section 6. Worker Rights

a. The Right of Association.—The labor code does not allow workers to form and join independent unions of their choice; however, the Government allowed a few citizen-only labor committees to operate with heavy limitations on the right of association. Several small strikes occurred during the reporting period, with workers immediately arrested and/or deported.

The labor code makes no provision for workers legally to strike.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is not protected by law and was not practiced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although labor laws do not specifically address all forms of forced or compulsory labor, they outlaw slavery. Labor laws also establish rules for voluntary working conditions and pay, including by children, and thus implicitly prohibit forced labor; however, many foreign workers were nevertheless subjected to abusive conditions that constituted involuntary servitude or forced labor, including nonpayment of wages for months and years, debt bondage, confinement, confiscation of travel and identity documents, long hours without days off, contract switching, intimidation, and physical abuse.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor occurred in the country, with child begging among poor citizens and trafficked foreigners the most common form. Children from other countries, primarily Yemen, were forced into child begging rings, street vending, and possibly family businesses. There were reports of foreign domestic workers younger than 18, some of whom traveled to the country with forged documents.

No person younger than 15 may be legally employed unless he is the only family worker. There is no minimum age for workers employed in family owned businesses or in other areas considered extensions of the household, such as farming, herding, and domestic service. Children younger than 18 may not be employed in hazardous or harmful industries, such as mining or industries employing power operated machinery, and there is no evidence that this occurred.

A study commissioned by the King Abdul Aziz City for Science and Technology found that child labor was a growing phenomenon. According to the study, 1.54 percent of children work, including 2.3 percent in Eastern Province. A separate study reported by Arab News found that nearly 69 percent of child beggars in Riyadh are citizen children. On October 13, Okaz reported the result of a study by the King Abdullah Institute for Research and Studies indicating there are more than 83,000 children working on the streets in the country.

The MOJ has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. The Social Affairs Ministry maintained special offices in Mecca and Medina to combat the growing problem of child beggars.

e. Acceptable Conditions of Work.—There is no national minimum wage for workers; however, the unofficial private sector minimum wage for citizens was 1,500 riyals (approximately \$400) per month, based on the minimum monthly contribution to the pension system, and this appeared to provide a decent standard of living for a citizen worker and family. Individual contracts also set wages that varied according to the type of work performed and the nationality of the worker, with low and unskilled expatriate workers generally receiving lower wages than citizens. Foreign workers comprise approximately 88 percent of the workforce in the private sector.

Labor regulations establish a 48 hour work week at regular pay and allow employers to require up to 12 additional hours of overtime at time and a half pay. The law also provides for a 24 hour rest period, normally on Fridays, although the employer may grant it on another day. However, there were credible reports that female domestic servants were sometimes forced to work 16 to 20 hours per day, seven days per week, with little or no pay. Such reports are more common during the month of Ramadan, when citizens commonly eat and socialize at night.

Many foreign workers were subjected to abusive conditions, including nonpayment of wages for periods of time ranging from several months to more than a year, debt bondage, confinement, confiscation of travel and identity documents, long hours without days off, contract switching, intimidation, and physical abuse; however, the Ministry of Labor's department for protection of foreign workers addressed some cases of abuse and exploitation. Foreign workers were able to submit complaints and seek help from the 37 Labor Ministry offices throughout the country, although responsiveness was an issue. The ministry occasionally banned individuals and companies who mistreated foreign workers from sponsoring such workers for five years. Employers with repeated violations were banned indefinitely.

Foreign workers in occupations other than household work could also turn to labor courts to resolve labor disputes. These courts regularly ruled in favor of workers; due to red tape and lack of capacity, they sometimes took many months to reach a final ruling. Because labor laws do not apply to foreign domestic servants, the servants may not seek the protection of labor courts, although there were reports that some domestic workers pleaded their cases before a judge.

Bilateral labor agreements stipulate work conditions for workers from some countries, although enforcement was sometimes a problem.

Labor regulations require employers to protect some workers from job related hazards and disease, although violations occurred. These regulations did not cover farmers, herdsmen, domestic servants, and workers in family operated businesses. Foreign nationals reported frequent failures to enforce health and safety standards. Many foreign workers were not able to exercise their right to remove themselves from dangerous situations. This was particularly true for domestic workers, who were occasionally locked inside the home or threatened with nonpayment if they left their employer.

SYRIA

Syria, with a population of approximately 19 million, is a republic under the authoritarian Presidential regime of Bashar al-Asad. The President makes key decisions with counsel from a small circle of security advisors, ministers, and senior members of the ruling Ba'ath Party (Arab Socialist Renaissance). The constitution mandates the primacy of Ba'ath party leaders in state institutions and society. President al-Asad and party leaders, supported by various security services, dominated all three branches of government. In May 2007 President al-Asad was confirmed for another seven-year term in elections that were considered by international and local human rights advocates as neither free nor fair. Civilian authorities maintained effective control of the security forces, and members of the security forces committed numerous, serious human rights abuses.

The Government's respect for human rights worsened, and it continued to commit serious abuses. The Government systematically repressed citizens' abilities to change their government. In a climate of impunity, there were instances of arbitrary or unlawful deprivation of life. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arrested and detained individuals without providing just cause, and lengthy pretrial and incommunicado detention remained a serious problem. Considered common practice since 2006, the Government violated citizens' privacy rights and imposed significant restrictions on freedoms of speech, press, assembly, and association, amid an atmosphere of government corruption. Security services disrupted meetings of human rights organizations and detained activists, organizers, and other regime critics without due process. In addition, throughout the year the Government sentenced to prison several high-profile members of the human rights community, especially individuals affiliated with the national council of the Damascus Declaration for Democratic National Change (DDNC), an umbrella organization bringing together a range of reform-minded opposition groups. Violence and societal discrimination against women continued. The influx of Iraqi refugees, moreover, exacerbated the incidence of sexual exploitation, including of minors. The Government discriminated against minorities, particularly the Kurds and the Ahvazis, and severely restricted workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year there were reports of arbitrary or unlawful deprivation of life.

On March 20, according to Human Rights Watch (HRW), security forces fired into a crowd of Kurds celebrating the New Year holiday (Nowruz) in Qamishli. The attack killed Muhammad Yahya Khalil, Muhammad Zaki, and Muhammad Mahmoud Hussein, all between the ages of 18 and 25. The three men were among approximately 200 celebrants gathered around a bonfire in the middle of a street. After firefighters and security forces failed to disperse the crowd with bullets and tear gas, individuals in civilian dress drove by in a truck and fired assault rifles at the group.

On July 5, prison guards and military officials fired on rioting inmates at Sednaya prison, reportedly killing between 25–50 inmates. According to HRW, military police officers triggered the riot when they insulted inmates and stepped on copies of the Koran during an aggressive search of the prison. Only nine of the fatalities were

identified by year's end: Zakariyya Affash, Muhammad Mahareesh, Mahmoud Abu Rashid, Abdul-Baqi Khattab, Ahmed Shalaq, Khaled Bilal, Mo'ayad al-Ali, Muhanad al-Omar, and Khidr Alloush.

In September, according to local human rights observers, government authorities arrested Ahmed Musa al-Shukaifi, a teacher from the town of Jarjanaaz of Maarat Al-Numan in Idlib Province, for unknown reasons. A week later his corpse was returned to his family. He allegedly died as a result of torture. At year's end there was no investigation into the circumstances surrounding his death.

On October 14, a customs patrol shot and killed Sami Maatouk, the nephew of human rights lawyer Khalil Maatouk, and Joni Suleiman in the village of al-Mushrifah, near the Syria-Lebanon border, according to a report from a local human rights group. The report stated that the patrol purportedly was pursuing smugglers in the area and killed Maatouk while he was sitting outside his house. On October 20, unidentified individuals reportedly destroyed evidence at the scene to hamper any investigation.

On December 27, according to local human rights observers, military officials stationed inside Sednaya prison killed approximately 50 inmates. Reportedly, a military officer, in the company of a group of soldiers, verbally threatened to shoot inmates. The inmates took the threat seriously enough that they rushed the soldiers, prompting the soldiers to open fire.

Authorities failed to conduct independent investigations into any of these deaths by year's end, except for the case of Sami Maatouk and Joni Suleiman, which the Government claimed it would look into. At year's end there was no further development in that case. Likewise, there were no investigations or developments in the 2007 deaths in detention of Fahed Mohammed Omar in June, Abdul Moez Salem in July, or Ghafoor Abdul-Baqi in December, all of which reportedly followed torture or mistreatment by security services, or the November 2007 killing of Issa Khalil, a Qamishli resident who reportedly participated in a demonstration following a pro-Kurdistan Workers Party protest (PKK).

At year's end the UN International Independent Investigation Commission had not issued a final report on the assassination of former Lebanese prime minister Rafiq al-Hariri and 22 other individuals. In March and July 2007, the chief investigator for the commission issued interim reports that described general satisfactory cooperation from Syrian authorities into the investigation, neither concluding nor ruling out their possible involvement.

b. Disappearance.—There were reports of politically motivated disappearances during the year.

In mid-December 2007, according to a January 18 human rights group report, authorities arrested Abdul Rahman Wazzan upon his arrival at Damascus International Airport. Wazzan, a civil engineer, had been living in France for the last 20 years and was en route to Aleppo to spend the Eid al-Adha holidays with family and to sort out legal issues connected to the death of his mother. At year's end the reason for his arrest and his whereabouts were unknown. However, according to the Muslim Brotherhood Web site IkhwanWeb.com, he was arrested because of his religious belief, presumably perceived by authorities as overly Islamist.

On February 21, according to human rights organizations, Syrian Military Intelligence (SMI) authorities summoned Kamal al-Mwayel to Damascus for questioning, likely regarding his presence at a December 2007 DDDNC meeting. He went missing after meeting with the SMI and was not released until September 18, according to local human rights observers. The Government imprisoned Al-Mwayel previously from 1982 to 1989 for involvement with the Muslim Brotherhood.

On March 27, unidentified authorities reportedly arrested Mustafa Sheikh, an orthopedic surgeon, at the hospital where he worked. The reason for the arrest, according to a human rights organization, may have been connected to his religious beliefs, which authorities presumably viewed as overly Islamist. However, the exact charges, the arresting authority, and where Sheikh was incarcerated remained unknown at year's end.

On July 5, during a riot at Sednaya prison, detainee Sameer al-Bahar disappeared after he attempted to negotiate with prison officials on behalf of his fellow prisoners, according to a local human rights group. When al-Bahar met the officials and conveyed the prisoners' refusal to surrender, he was beaten and taken away in an armored car. His whereabouts remained unknown at year's end.

On the night of July 16, according to a human rights organization, Mu'awiyah Ali al-Dablan, a police officer from the village Al-Taaminah in Hama, and his friend Bashar Aziz were arrested in al-Dablan's home. The reason for the arrest and the whereabouts of the two men were unknown at year's end.

On October 28, a local human rights organization announced that in the first half of August, 10 individuals from Deir al-Zour were arrested by local authorities: Muhammad Ameen al-Shawa (high school math teacher), Burhan Juneid (shop owner), Nabeel Khleewi (arrested on August 13), Abdul Hadi al-Salameh (university student), Bilal Sufyan, the brothers Ahmed and Sufyan Dumaim, Iyad Hussein, Hassan Muhammad, and Muhammad Taha. According to the organization, all the men were "religious men of a moderate outlook," and none were political activists. The specific reasons for their arrest and whereabouts were unknown at year's end.

In July, according to human rights observers, security forces released Egyptian citizen Amro Ahmad Mohamad Yousef, who had been detained since May 2007.

There were no new developments in the 2007 disappearance of Khalid Muhammad Ahmed or the 2006 disappearance of Rami Ahmad Farhat.

The Government continued to withhold information on the welfare and whereabouts of persons who disappeared in previous years; little was known other than the approximate date of their disappearance. The Government had a long record of allegedly "disappearing" individuals, some of whom were believed to have died while others were likely in long-term detention, and it did not investigate or punish any security force members for their role in disappearances.

The Government continued to deny reports that security forces "disappeared" an estimated 17,000 persons in the late 1970s and early 1980s. According to HRW, the "disappeared" were mostly detained Muslim Brotherhood (MB) members and other Syrian activists, as well as hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or Lebanese and Palestinian militias. The Lebanese nongovernmental organization (NGO) Support of Lebanese in Detention and Exile (SOLIDE) estimated that more than 600 Lebanese prisoners remained in Syria. During the year various Lebanese news outlets quoted Lebanese Member of Parliament (MP) Fouad al-Saad as saying the number of missing Lebanese citizens in Syria numbered 91. On August 20, Lebanese Justice Minister Ibrahim Najjar stated in a televised interview that there were 745 Lebanese citizens missing in Syria, divided into two categories: convicted criminals and victims of "enforced disappearances."

A visit by Lebanon's President Michel Sleiman to Damascus in August produced an agreement to address detainee issues; by year's end the two governments had made no further progress on the issue. On September 7, the Syrian delegation of the joint Lebanese-Syrian commission charged with investigating the missing individuals presented a list of 115 convicted Lebanese citizens held in Syrian jails; however, the Syrian list failed to include any of those classified as "enforced disappearances." According to SOLIDE, at year's end the Syrian delegation had not formally approved the allowing of Lebanese judges to check on the 115 named prisoners. Various NGOs and family members of those who allegedly remained in prison continued to dispute the 1999 government claim that all abductees had been released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the penal code provides punishment for abusers. Under Article 28 of the constitution, "no one may be tortured physically or mentally or treated in a humiliating manner." However, security forces reportedly continued to use torture frequently.

Local human rights organizations continued to cite numerous cases of security forces allegedly abusing and torturing prisoners and detainees and claimed that many instances of abuse went unreported. Individuals who suffered torture or beatings while detained refused to allow their names or details of their cases to be reported for fear of government reprisal.

Former prisoners, detainees, and reputable local human rights groups reported that methods of torture and abuse included electrical shocks; pulling out fingernails; burning genitalia; forcing objects into the rectum; beating, sometimes while the victim was suspended from the ceiling; alternately dousing victims with freezing water and beating them in extremely cold rooms; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; using a backward-bending chair to asphyxiate the victim or fracture the victim's spine; and stripping prisoners naked for public view. Throughout previous years the international NGO Amnesty International (AI) documented 38 types of torture and ill-treatment used against detainees in the country. AI reported that torture was most likely to occur while detainees were held at one of the many detention centers operated by the various security services in the country, particularly while authorities attempted to extract a confession or information. Courts systematically used "confessions" extracted under duress as evidence, and defendants' claims of torture were almost never investigated.

For example, on January 9, police in Raqqa arrested Ibrahim al-Khoja on the charge of theft, according to a human rights organization. While he was in jail, local police reportedly tortured al-Khoja, resulting in a broken leg and crushed hand. In February al-Khoja's lawyer, Abdullah al-Khalil, filed a lawsuit against the police. At year's end no progress had been made on this case.

On January 28, according to human rights organizations, eight political activists who had been incarcerated at Adra prison for political crimes informed the third investigative judge in Damascus, Muhammad Subji al-Sa'ur, during a trial hearing that security officials had beaten them during interrogation to force them to sign confessions. The men testified that they were punched in the face, kicked, and slapped. The eight men were part of a group of 12 signatories to the Damascus Declaration who were jailed in late 2007 and early 2008.

Also on January 28, according to HRW, authorities at Adra prison transferred 'Ali al-Abdullah, a signatory to the Damascus Declaration, to a medical examiner to receive treatment for an ear injury sustained at the hands of his interrogators. The examiner declined to issue a report, claiming that he was not a specialist in ear injuries.

In September authorities detained and reportedly tortured to death Ahmed Musa Al-Shukaifi, according to a human rights organization. The reasons for al-Shukaifi's detention and torture were unknown. He was a teacher in Idlib Province.

Prison and Detention Center Conditions.—Prison conditions generally were poor and did not meet international standards for health and sanitation. At some prisons security officials demanded bribes from family members. Overcrowding and the denial of food remained problems at several prisons. The Government did not permit visits by international human rights observers.

According to local and international human rights organizations, prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Throughout the year local and international human rights organizations highlighted the case of political prisoner and former MP Othman Haji Suleiman, who died on February 18, soon after his February 5 release from al-Maslamieh prison in Aleppo, where he had been held incommunicado since November 2007. Authorities previously detained Suleiman in 1995, 2002, 2005, and 2006. The November 2007 arrest was for his alleged involvement in organizing a demonstration in Ein al-Arab to protest against Turkish military interventions in Kurdistan, Iraq. Suleiman's health reportedly deteriorated rapidly after he was tortured in prison.

On January 28, security forces arrested the Damascus Declaration National Council Secretary General, Riad Seif, who suffered from prostate cancer and a heart condition. His lawyers told HRW that prison authorities forced Seif to sleep in the general hall of the prison with nothing more than a single blanket after his arrest. On October 29, the Damascus criminal court sentenced him to two and on—half years in prison. At year's end Seif was reportedly receiving medical care and was moved to a cell with a bunk in Adra prison.

On August 28, a local human rights group reported the death of Abdul Sattar Qattan, whom authorities had imprisoned at three different times for a total of 28 years. During his last period of incarceration, his kidneys degenerated, and he never received appropriate treatment. Sednaya prison officials released him in June 2007 after his illness became critical. Qattan attempted previously to leave the country for medical treatment and a transplant, but the Government banned his travel.

The Government failed to provide adequate security for prisoners and detainees during the year, including during the July 5 and December 27 Sednaya riots (*See* Section 1.a.). In past years there were reports of prisoners being beaten by other prisoners while guards stood by and watched. For example, in March 2007 criminal convict Jaber Yousef beat prisoner of conscience Habib Saleh while prison guards and other prisoners watched, according to local human rights organizations.

There were separate detention facilities for men, women, and children; however, minors reportedly were sometimes held in adult facilities. Pretrial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. However, according to local human rights organizations, political prisoners were sometimes deliberately placed in crowded cells with convicted and alleged felons and subjected to verbal and physical threats. For example, prisoner of conscience Habib Saleh cut himself on a razor blade hidden in his prison bunk by a fellow inmate on October 23, according to Reporters Without Borders. Saleh has been held in Adra prison since May 7.

Some former detainees reported that the Government denied political prisoners access to reading materials, including the Koran. Facilities for political or national security prisoners, especially accused Islamists, were generally much worse than

those for common criminals. Released political detainees confirmed reports of poor prison conditions, including overcrowded cells and a shortage of beds.

Each branch of the four security services operated its own detention centers. The majority of reported torture or mistreatment cases occurred in these facilities, according to local human rights organizations.

The Government prohibited independent monitoring of prison or detention center conditions and publishing of any materials on prison or detention center conditions; however, diplomatic and consular officials were granted limited access in rare cases during the year. During the year the Ministry of Foreign Affairs did not officially allow consular visits to prisons.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, in practice these activities persisted and remained significant problems.

Role of the Police and Security Apparatus.—The role of the security services extends far beyond necessary security matters due to a state of emergency, which has been in place since 1963. The Government justified the ongoing Emergency Law on the basis of its conflict with Israel and threats from terrorist groups. The SMI and Air Force Intelligence are military agencies.

The four major branches of security forces include the SMI, Political Security Directorate (PSD), General Intelligence Directorate (GID), and Syrian Air Force Intelligence (SAFI), all of which devote some of their overlapping resources to monitoring internal dissent and individual citizens. The four branches operate independently and generally outside of the control of the legal system.

The Ministry of Interior (MOI) controls the police forces, which consist of four separate divisions: emergency police, traffic police, neighborhood police, and riot police.

Corruption continued to be a serious problem in the police forces and security services. Human rights lawyers and family members of detainees cited solicitation of bribes for favorable decisions and provision of basic services by government officials throughout the legal process in both courts and prisons. Traffic police officers regularly solicited bribes from drivers.

No mechanisms for investigations of security force abuse existed.

Arrest and Detention.—Upon arrest an individual is brought to a police station for processing and detained until a trial date is set. At the initial court hearing, which may be months or years after the arrest, the accused may retain an attorney at personal expense or be assigned a court-appointed attorney, although lawyers were not ensured access to their clients before trial. The individual is then tried in a court, where a judge renders a verdict. While the prison code provides for prompt access to family members, human rights organizations and families reported inconsistent application of the code, with some families waiting as long as a year to see relatives. Civil and criminal defendants had the right to bail hearings and possible release from detention on their own recognizance. However, this right was not applied consistently throughout the legal system and was rarely available to detainees under the emergency law.

The 1963 Emergency Law authorizes the Government to conduct preventive arrests and overrides constitutional and penal code provisions against arbitrary arrest and detention, including the need to obtain warrants. In cases involving political or national security offenses, arrests were often carried out in secret with cases assigned in a seemingly arbitrary manner to military, security, or criminal courts. Suspects were detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning, as well as throughout the preparation and presentation of their defense. In most cases detainees were not informed of charges against them until their arraignment, which often was months after their arrest. Additionally, those suspected of political or national security offenses were arrested and prosecuted under ambiguous and broad articles of the penal code and subsequently tried in either the criminal or security courts.

The Government did not notify foreign governments when their citizens were arrested or detained, as required under Article 36 of the Vienna Convention on Consular Relations, or did so only after the person was released or deported. For example, on November 7, Syrian police arrested three Jordanian men, Nidal Kayed, Ayman Hawarat, and Ahmad Abu Durais, for inquiring about sensitive locations. The Jordanian embassy was not notified, and the Syrian Prime Minister's Office denied that the three were in custody, according to the Jordan Times. Authorities eventually released the men on November 23.

Arbitrary and false arrests were problems, and detainees had no legal redress. The authorities detained those critical of the Government under the emergency law

and charged them with a wide range of political crimes, including treason. Continuing a trend that began in 2006, the Government tried some political prisoners in criminal courts, although the charges were security related and not covered by the criminal code. For example, the trial of 12 members of the DDDNC for their political opposition activities took place in the Damascus First Criminal Court on October 29. Similarly, cyber-dissident Habib Saleh, arrested on May 7 for his critical writings, had his initial defense hearing in the Damascus Second Criminal Court on December 1.

Incommunicado detention was a severe problem. Many persons who disappeared in past years were believed to be in long-term detention without charge or possibly to have died in detention. Many detainees brought to trial were held incommunicado for years, and their trials often were marked by irregularities and lack of due process. Arrest and search warrants were issued only for non-security related cases; however, police bypassed this requirement in many instances by claiming security or emergency grounds for entry. Protracted court proceedings were caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining.

On September 30, President al-Asad issued legislative decree 69. The new law states that in the case of a crime committed by military officers, members of the internal security forces, and customs police officers in the pursuit of their normal duties, only the General Command of the Army and Armed Forces can issue a warrant of arrest. The new decree also requires that any pending criminal cases against such officers be transferred from criminal to military courts.

During the year security forces reportedly continued to arrest alleged Islamists. Local human rights organizations estimated that approximately 1,600 Islamists were arrested during the year, although it was unclear how many of those remained in detention at year's end.

On January 22, intelligence services reportedly arrested 13 Islamists in the al-Sfeerah area of Aleppo, including students Hamza Haaj Hamza, Hossam Qana'a, and Muhammad Moaz Qana'a, primary school teacher Muhammad Raheem, and pharmacist Barakaat al-Aswad. Their whereabouts were unknown at year's end.

On July 11, a local human rights group reported the arrest of Sheikh Yusuf Omar Mobayyedh, a religious scholar known for his moderate views and disavowal of violence. His whereabouts were unknown at year's end.

During the year the Government continued its sustained crackdown on civil society and human rights activists. Under the authority of laws that criminalize membership and activity in organizations the Government deems illegal, security forces arrested a number of persons with links to local human rights groups, prodemocracy student groups, as well as scores of other minorities, particularly Kurds, members of the Muslim Brotherhood (MB), and suspected Islamic extremists.

For example, on January 3, security agents arrested Fayeze Sarah, a writer, journalist, and member of the DDDNC. Sarah's arrest signaled the continuation of the Government's 2007 efforts to neutralize the newly formed prodemocracy movement. Security forces subsequently arrested Muhammed Haji Darwish on January 8, Marwan al-Esh on January 15, Riad Seif on January 28, and Talal Abu Dan on January 30. Human rights observers reported that authorities arrested these individuals for attending a DDDNC meeting in December 2007. At year's end authorities held the individuals at Adra prison, along with six other attendees of the DDDNC meeting arrested in December 2007: Ahmad Toumah, Akram al-Bunni, Jaber al-Shoufi, Muhammad Yasser al-Eitti, Ali Abdullah, and Walid al-Buni. Authorities transferred DDDNC chairperson Fidaa al-Hourani, who also was arrested in December 2007, from prison to Ibn al-Nafis hospital on February 25, after she suffered health problems. On October 29, the Damascus criminal court sentenced all of the aforementioned DDDNC members to two and on—half years in prison.

On February 17, authorities arrested Kurdish university student Hozan Muhammad Amin Ibrahim in Damascus, according to a local human rights organization. Ibrahim had previously spent a year in prison after his arrest at a demonstration in front of the Damascus branch of the UN Children's Fund (UNICEF) in 2003. Ibrahim remained in prison at year's end.

On February 27, according to a local human rights organization, security authorities arrested activist Osama Edwar in Hasakah, reportedly for writing an article critical of the Government. He was released on March 8.

On March 2, the SMI arrested Mohammad Badih Dak al-Bab, a former political prisoner and an alleged MB member. Dak al-Bab was previously arrested in 2000 for his MB affiliations and sentenced to 15 years in prison but received a Presidential pardon in 2005. The most recent arrest reportedly stemmed from articles he had written that criticized Minister of Information Moshen Bilal. Authorities released Dak al-Bab on September 17.

According to a local human rights group, the Syrian Air Force Security Service detained Pierre Rustum on March 15. Rustum was an activist, writer, a member of the Kurdish Democratic Party in the country, and a council member for the Damascus Declaration group. Rustum was released on March 22.

On April 2, unidentified agents took Qais Ahmed Ali, a Kurd, from his home in Damascus. He was released on July 28.

On May 5, according to human rights observers, the SAFI arrested political and human rights activist Hammam Ahmad Haddad, presumably for his public writings on human rights abuses. His whereabouts were unknown until his release in July.

On June 16, security forces reportedly arrested independent member of the DDDNC, Mahmoud al-Najjar, in Aleppo. Authorities did not provide a reason for his arrest, according to the report. He was released on July 24.

On July 9, GIA detained Hassan Younes Kasim, a member of the Committees for the Defense of Democratic Liberties and Human Rights in Syria (CDF), according to a local human rights group. Authorities released him on July 24.

On August 3 and 4, the PSD arrested Jawan Abdo, Ra'id Fawaz al-Ali, Markeen Mustafa, and Salahidin Baro. All four individuals were Kurds living in Aldirbasiah in the northern part of the country. Their whereabouts were unknown at year's end.

On August 11, intelligence authorities arrested human rights activist and Damascus Declaration member Ghazi Qadoor in his home in Aleppo, according to human rights observers. His whereabouts were unknown at year's end.

On August 15, security forces abducted Mashaal Tammo, the head of the Kurdish Future Movement Party, as he was driving near Aleppo. The Government held Tammo incommunicado for two weeks, after which he appeared at a preliminary court hearing in Damascus on August 27. At his first court hearing, no specific charges were announced. At year's end he remained detained at Adra prison in Damascus.

On August 26, according to a local humanitarian organization, security forces arrested Khaldoun al-Jaza'iri, a dentist, at his home in Damascus. Al-Jaza'iri is the son of prominent nuclear scientist Makki al-Hassani al-Jaza'iri. His whereabouts were unknown at year's end.

On October 26, security forces in Hasakah Province reportedly arrested Muhammad Sa'id Husayn and Sa'dun Mahmud Shekko, both general executive members of the Kurdish Freedom Party in Syria. At year's end their whereabouts remained unknown.

On November 6, according to Jordanian news dailies, three Jordanian men, Nidal Kayed, Ayman Hawarat, and Ahmad Abu Durais, entered Syria together for a three-day vacation. On November 7, they were arrested by security authorities for allegedly inquiring about "sensitive locations." The Government denied that the three men were in custody. The three men were held incommunicado until their release on November 23. Their release followed Jordanian Prime Minister Nader Dahabi's visit to Syria, where he raised the subject with officials.

On November 15, according to human rights observers, security forces arrested Osam Hamdan Makarem, a businessman in Suweida, a small city south of Damascus. At year's end, the reason for his arrest and his location were unknown. However, observers speculated that the arrest might have been connected to a recent financial dispute that Makarem took to court and won. The day after the courts decided the case, October 19, Makarem was arrested, detained for a day, and released.

On November 17, SMI agents arrested Bassam Zakia in Hama, according to human rights observers. Zakia had allegedly returned to the country from Jordan three months earlier, after an unspecified period abroad, in order to obtain a visa that would allow him to work in Saudi Arabia. Bassam had reportedly contacted the Syrian embassy in Jordan and obtained a visit permit. Once he was in Hama, the SMI called him to their office several times before finally arresting him. The reason for his detention and his whereabouts were unknown at year's end.

At year's end Muhammad Bakor and Sufian Bakor remained in detention. In January 2007, according to local human rights observers, the PSD in Hama arrested Muhammad Bakor and Sufian Bakor, sons of dissident Muhammad Bakor, an exile in Iraq.

On August 24, according to human rights observers, authorities released Kawthar Tayfore and Aisha Afandi, both Kurdish members of the Democratic Union Party (PYD). Tayfore and Afandi had been held incommunicado, with no access to legal counsel, since November 2007.

A local human rights group reported that in December 2007, authorities detained Ghaleb Amer, a board member of the Arab Organization for Human Rights. He was released the next day along with four other individuals: Yousef Sayasneh, Muhammad Jabr Masalmeh, and Muhammad Zaki Huwiedi.

There were no new developments in the 2007 case of Nader Sanoufi.

On June 13, according to a local human rights group, authorities released Fa'ik al-Meir, a member of the Central Committee of the Syrian Democratic People's party. Al-Meir was detained in Tartous in 2006 for allegedly establishing ties with Lebanese March 14 forces and sentenced to 18 months in prison in December 2007.

There were also numerous reports from human rights organizations that security services arrested citizens who were apparently not involved in political activities. The security services provided no information on the reasons for the arrests and, in many cases, family and friends were unable to obtain information on the whereabouts of the detained at year's end.

On April 7, the PSD arrested Waleed Muhammad Ali Hussein, an art student, after summoning him several times to security offices in Hasakah, according to a local human rights group. The reason for his detention and his whereabouts remained unknown at year's end.

There were no new developments in the 2007 arrests of Muhammad Naama, a student at a medical college in Damascus, and Omar Muhammad Khalalo, or the 2006 arrests of Fahd Da'doush, Ahmet Muhammad Ibrahim, and Muhammad Sheikmos Aali (also known as Sheikh Aali).

Amnesty.—Unlike in the previous year, the President did not issue any amnesties; however, following tradition, authorities released sick prisoners who had completed three-quarters of their sentences.

The Government rarely includes political prisoners in periodic Presidential amnesties; however, on August 7, Arif Dalila received a Presidential pardon and was released from prison. Dalila had been incarcerated since his arrest in 2001. Dalila, a well-known Syrian economist, had participated in the informal political reform discussions associated with the Damascus Spring movement of 2001. He was originally arrested in 2001 for criticizing government policy in both print and public remarks and sentenced to 10 years in prison by the Supreme State Security Court (SSSC) in 2002.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, courts were regularly subject to political influence. According to observers, approximately 95 percent of judges were Ba'athists or closely aligned to the Ba'ath Party and therefore not independent.

The judicial system is composed of civil and criminal courts under the Ministry of Justice and religious courts, which adjudicate matters of personal status such as divorce and inheritance. The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court (SCC) rules on the constitutionality of laws and decrees, hears special appeals regarding the validity of parliamentary elections, and tries the President if he is accused of criminal offenses; however, it does not hear appeals from the civil and criminal justice system. The SCC is composed of five members who are appointed by the President for renewable four-year terms.

Military courts have authority over crimes committed by soldiers or members of other military or police branches. If the charge against a soldier or member of the military or police branch is a misdemeanor, the sentence against the defendant is final. If the charge is a felony, the defendant has the right to appeal to the Military Chamber at the Court of Cassation. Military courts also have authority to try civilians in cases based on military law. Civilians have the right to appeal all sentences in a military court. A military prosecutor decides the venue for a civilian defendant. There were reports that the Government operated military field courts in locations outside established courtrooms. Such courts reportedly observed fewer formal procedures than regular military courts. For example, in October 2007 the Military Field Court, located in an undisclosed location in Damascus, convicted and sentenced five criminals to public hanging in Aleppo.

The SSSC tries political and national security cases and operates under the provisions of the 1963 Emergency Law, which authorizes the prosecution of anyone "opposing the goals of the revolution," and creating "sectarian strife." Although the Government stated that the SSSC tried only persons who sought to use violence against the Government, the majority of defendants before the SSSC were prosecuted for exercising their political rights.

Trial Procedures.—Defendants before civil and criminal courts are entitled to legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent, and they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants can appeal verdicts to a provincial appeals court and ultimately to the Court of Cassation. Appeals are often difficult to win because the lower courts do not provide verbatim transcripts of cases, only summaries prepared by the presiding judges. There are no juries. Defendants and their attorneys have access to government-held evidence relevant to their cases. However, human rights lawyers noted

that the prosecution case file, which defense lawyers were allowed to see, frequently did not include any evidence in politically charged cases.

The law extends the above rights to all citizens in criminal cases. However, a number of sections of family and criminal law are based on Shari'a (Islamic law) and do not treat men and women equally. Some personal status laws utilize Shari'a regardless of the religion of those involved in the case, although the number of Shari'a-based laws affecting non-Muslims decreased significantly after the 2006 passage of a Personal Status Law for Catholics.

The SSSC does not observe constitutional provisions safeguarding defendants' rights. Its verdicts are not subject to judicial appeal; however, the minister of interior may ratify, nullify, or alter an SSSC ruling, and the President must approve the verdict or may ask for a retrial. Charges against defendants before the SSSC were usually vague, and authorities sometimes prevented defendants' access to their lawyers before the trial. Under SSSC procedures, defendants and their lawyers are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Lawyers submitted written defense pleas rather than making oral presentations. Trials took place before three judges and usually remained closed to the public as well as to the defendants' families. Authorities did not permit human rights NGOs to visit the SSSC; however, local lawyers affiliated with local NGOs acted as defense counsel in some cases. Authorities granted SSSC access to diplomatic observers during the year.

For example, in February 2007 security authorities arrested dissident poet Dr. Mahmoud Hussein Sarem, who faced charges before the SSSC from a 2005 arrest. His case was referred to the military general prosecution. Sarem was subsequently sent to Adra prison, where he remained detained until his release on March 15. On October 1, a military judge cancelled the charges against Sarem in the military court; however, his SSSC case remained pending at year's end. Authorities did not present evidence that he used violence against the state.

Human rights organizations estimated that the SSSC tried hundreds of cases annually. The majority of cases during the year involved charges relating to membership in various banned political groups, including religious parties such as the MB, the Islamic Liberation Party, and Syrian Kurdish parties. During the year the SSSC sentenced more than 150 citizens to sentences ranging from three years' imprisonment to execution, which can be commuted to 12 years' imprisonment. For example, on May 5, the SSSC sentenced Ismail al-Sheikha to death for membership in the MB and then commuted his sentence to 12 years in prison.

On April 14, Mohamed Hilal Abu Hawa, detained since 2005, was sentenced to three years in prison for disclosing confidential information.

On April 18, Taiseer Nassan, a member of the Islamic Liberation Party, was sentenced to 12 years in prison for obstructing the goals of the Ba'ath Revolution and for forgery.

On May 5, the SSSC sentenced Ismail Al-Sheikha, from Aleppo, to death for belonging to the MB. The court commuted the sentence to 12 years of hard labor.

On May 12, the SSSC sentenced Muhammad Abdulhai Shalabi, from Al-Tal, to 12 years in prison for his alleged membership in the MB. The sentence was commuted to eight years.

Membership in the MB is punishable by death, although in practice the sentences were usually commuted to 12 years in prison.

Political Prisoners and Detainees.—The number of political prisoners and detainees remained difficult to determine due to a continuing lack of official government information. Authorities refused to divulge information regarding numbers or names of persons in detention on political or security-related charges. Various local human rights observers estimated that between 1,500 and 3,000 political prisoners, including accused Islamists, remained in detention. Authorities refused to divulge information regarding numbers or names of persons in detention on political or security-related charges.

Since 2006 the Government has tried some new political detainees in criminal court, and once convicted on political or security related charges, they were treated like common prisoners. The Government did not permit regular access to political prisoners or detainees by local or international humanitarian organizations. Human rights groups reported that many political prisoners serving long-term sentences remained in prison after the expiration of their sentences.

There also were Jordanian, Lebanese, Iraqi, Palestinian, and Western political prisoners and detainees. Estimates of foreign detainees were difficult to confirm because different branches of the security services, which maintained their own incarceration facilities, held significant numbers, and there was no centralized tracking system. Detainees were frequently held for extended periods of time without trial

and without information provided to their families. Finally, estimates were difficult to confirm because the Government did not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or the subsequent sentencing of detainees to prison. In 2005 a number of human rights organizations estimated that there were between 25 and 250 remaining Lebanese prisoners in the country. During the year various Lebanese media outlets reported the numbers to be between 91 and 175.

In November 2007 the French Press Agency reported that the Government agreed to release an unspecified number of Jordanian prisoners after Jordanian King Abdullah II's visit to Damascus. Authorities released 18 Jordanians in 2007, but there were no known further releases. On November 24, the Jordan Times reported that Abdul Karim Shraideh, who heads the Jordanian Committee for Defending Prisoners and Missing People, said the number of Jordanians missing in Syria was approximately 256 persons.

In March a former prisoner held in al-Hasakah Province told a human rights group that he had met two Lebanese Christian priests who had been held there since 1990. According to the witness, Syrian intelligence forces arrested Suleiman Abu Khalil and Albert Sherfan at the monastery of Beit al-Qala'a in Beit Meri, Lebanon, during a raid involving Lebanese soldiers who had taken refuge there. No additional information was available at year's end.

Former prisoners were subjected to a so-called rights ban, which lasts from the day of sentencing until seven years after the expiration of the sentence in the case of felony and three years in the case of misdemeanor convictions. In practice restrictions sometimes continued beyond that period. Persons subjected to this ban were not allowed to vote, run for office, or work in the public sector; they also were often denied passports.

On April 23, the First Military Criminal Court in Damascus sentenced Kamal Labwani to an additional three years in jail for illegal conversations with fellow prisoners. In May 2007 the criminal court convicted Labwani of encouraging a foreign power to invade Syria and sentenced him to life in prison, commuted to 12 years. In 2005 authorities arrested Labwani upon his arrival in Damascus following a three-month trip abroad.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, in practice the courts are neither independent nor impartial. According to observers, approximately 95 percent of judges are either Ba'athists or closely aligned to the Ba'ath Party and therefore not independent.

Property Restitution.—According to the law, a municipality may appropriate property for the public good. The municipality usually compensated individuals; however, many reported that the restitution was not fair. While individuals have the legal right to sue the municipality for more compensation, only a few win such cases.

Security forces routinely seized property and personal items of arrested and detained individuals, such as computers and mobile telephones. According to local human rights contacts, the phenomenon was too common to track or record specific cases. Security forces did not appropriate, confiscate, or catalogue these materials in accordance with the law, and although detained individuals theoretically had the right to retrieve them after release, many items remained missing.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Emergency Law authorizes security services to enter homes and conduct searches without warrants if broadly defined security matters are involved. The security services selectively monitored telephone conversations and fax transmissions. The Government opened mail addressed to both citizens and foreign residents. The Government routinely monitored Internet communications, including e-mail, and either blocked or monitored access to some Web sites.

The Government and the Ba'ath Party monitored and attempted to restrict some citizens' visits to foreign embassies and participation in cultural activities. There were reports during the year that invitees to diplomatic functions received phone calls from the security services instructing them not to attend.

The Government did not permit new political parties or license politically based NGOs. In practice, however, the Government tolerated some illegal political parties, such as the Communist Union Movement. Additionally, there were illegal parties, such as the Communist Action Party, the People's Party, and the Arab Social Union, that suffered harassment but not automatic arrest for membership. The Government forbids membership in Islamist parties, and members of Islamist parties were subjected to immediate arrest and execution.

The Government detained relatives of detainees and fugitives to obtain a confession or surrender, respectively, and harassed and intimidated the families of activists and political prisoners. There were unconfirmed reports that security personnel forced prisoners to watch relatives being tortured to extract confessions.

On March 6, a prison officer inappropriately touched the wife of Walid al-Bunni, a prisoner of conscience and signatory to the Damascus Declaration, while she was visiting her husband in Adra prison. According to local human rights observers, she immediately lodged a complaint with the supervising officer, who refused to hear her case.

On July 31, security forces detained the wives of three imprisoned Islamist suspects in the village al-'Otayba, outside of Damascus, according to HRW. HRW identified the women as Usra al-Husein, wife of Jihad Diab; Raw'a al-Kilani, wife of Ziad al Kilani, detained by the SAFI in 2004; and Bayan Saleh 'Ali, wife of Ahmad Saleh 'Ali, arrested in 2005 and held in Sednaya prison on charges of membership in an association "created to change the economic and social structure of the state" and for issuing calls that weaken national sentiment and incited racial or sectarian tensions. No charges were brought against the women, and their whereabouts were unknown at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and the press; however, the Government significantly restricted these rights in practice, relying when necessary on emergency law provisions that suspend such rights and supersede constitutional practices. The Government strictly controlled the dissemination of information and prohibited criticism of the Government and discussion of sectarian issues including religious and ethnic minority rights. Authorities detained and abused journalists, writers, and other individuals for expressions of opinion that violated these restrictions, leading them to practice self-censorship. The Government also attempted to impede criticism through monitoring of political meetings and informer networks.

Emergency law and penal code articles dealing with crimes against state security allow the Government broad discretion to determine what constitutes illegal expression. The Emergency Law prohibits publication of "false information" that opposes "the goals of the revolution." Penal code articles prohibit acts or speech inciting confessionalism.

On March 3, security forces reportedly detained Ammar Rashed, Saleh al-Ali, and Tayseer Omar, professors at the Shari'a College at the University of Damascus, for their public criticism of government corruption and for advocating freedom of expression. All three men were released on March 5.

On May 25, authorities reportedly cancelled a lecture on freedom of the press that journalist Mazen Darwish was to deliver, despite the Ministry of Culture's prior approval. Security forces also briefly detained Darwish in January for allegedly defaming state institutions. Darwish was sentenced to 10 days, which was later commuted to five days.

In December 2007, according to Arrae.org, an opposition Web site established by the Syrian Peoples' Democratic Party, authorities arrested Tayseer Kafa after his colleagues at the school where he worked submitted a report to authorities alleging that he criticized the Government during a conversation with them. He was released on January 24.

The media were heavily influenced by the Government, and the Government or the Ba'ath Party owned most newspaper publishing houses. A number of quasi-independent periodicals, usually owned and operated by figures with government connections, were published during the year, including the National Progressive Front's (NPF) Communist party newspaper *The People's Voice*; the NPF's Socialist Union party's newspaper *The Unionist*; and privately owned newspapers *The Nation* (Al-Watan), *The Economy* (Al-Iktissad), and, *Al-Khabar*, the latter two of which were sometimes critical of the Government's economic policies and performance. The Government prohibited all Kurdish-language publications, although there were credible reports that such publications were available in the country. The Ministry of Information continued to deny permission to publish *Al-Ousboua Al-Iktissadi*, a business weekly; and *Al-Riyada Wa Al-Shabab*, a new magazine for young sports fans.

The print and electronic media were critical at times of the Ba'ath Party and government performance. They reported openly on a range of social and economic issues, such as corruption in the energy and communications sectors. The media covered some Israeli-Palestinian developments factually, but others were reported selectively to support official views. For example, local media described Israeli actions in occupied Palestinian territory as "aggression," "state terrorism," and "Israeli massacres," while describing Palestinian actions as "resistance."

While the Government or the Ba'ath Party owned and operated some radio and most television companies, examples of privately owned stations included Al-Medina radio station and Al-Douni and Al-Rai television stations. The Ministry of Information closely monitored radio and television news and entertainment programs to ensure adherence to government policies. The Government did not interfere with broadcasts from abroad. Satellite dishes were widely used and available.

As in previous years government forces detained, arrested, and harassed journalists and other writers for works deemed critical of the state. Harassment included banning from the country, firing for association with international organizations, and failing to respond to requests for journalists' accreditation. The Government also arrested journalists and others who wrote in Kurdish or in favor of greater Kurdish rights.

On March 13, according to a local human rights group, the SMI detained activist Adnan Hamdan, director of the Syrian Center for Freedom of Media and Expression. He was released on March 15.

On June 11, PSD authorities in Qamishli arrested writer Khaled Jamil Muhammad, according to a local human rights group. During his detention, authorities ordered Muhammad to ask his family to bring his passport, a copy of his latest book, and the texts of delivered lectures to the authorities. At year's end there was no information as to whether authorities still had these items in their custody. Muhammad remained detained at year's end.

On June 20, according to human rights observers, authorities detained Sudanese journalist Hashem Othman, editor of the journal *Fada'at Dawleyeh*, which was published in Syria for three years, for no known reason. Othman was released on June 21 and traveled to Khartoum, Sudan, on the same day.

On March 13, authorities reportedly released Kurdish poet Muhammad Iso, held incommunicado since his arrest in 2006. The alleged reason for his arrest was his Kurdish-language poetry and for allegedly encouraging sectarian strife.

In November a newspaper journalist was relieved of his editorial responsibilities at a local news daily for meeting with international media organizations. The name of the journalist and news outlet were withheld to protect the individual in question.

Also in November an independent private journalist was fired after criticizing the Government in his editorial positions. The name of the journalist and news outlet were withheld to protect the individual in question.

The Ministry of Information and the Ministry of Culture and National Guidance (MCNG) continued to censor domestic and foreign publications prior to circulation or importation and stopped circulation when content was judged to be critical or sensitive. Publication or distribution of any material deemed by security officials as threatening or embarrassing to the Government was prohibited. Censorship usually was greater for materials in Arabic. Journalists also practiced self-censorship.

In February the MOI briefly halted distribution of three journals for criticizing government policies: *Al-Hal*, a monthly review; *Al-Iktissad wa Mujtamma* (Economy and Society); and *Al-Dabbour*, a satirical weekly. The MOI stopped distribution of *Al-Hal* again in August, and at year's end the ban remained in place. After September 30, the Government prevented the circulation of the Saudi-owned and London-based newspaper *Al-Hayat*. The Government then blocked the *Al-Hayat* Web site several weeks later. The Government also continued the 2007 decision to cease distribution of *Al-Sarq Al-Awsat*, a Saudi-owned, London-based newspaper. At year's end both remained unavailable.

In mid-year the moderate online news Web site *DamasPost* was closed down for several weeks. No specific reason was cited. In April *Syria Life*, an independent online news site, was closed by authorities. Again, no specific reason was given. However, its owner and editor said that he could "no longer work under these circumstances."

In 2007 the Government shut down *Sham Channel*, owned by parliamentarian Akram al-Jindi. No reason for the closure was given. *Sham Channel* moved its operations to Egypt and was broadcasting into Syria at year's end.

The law prohibits the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information are subject to prison terms ranging from one to three years and fines ranging from 500,000 to 1 million Syrian pounds (\$10,000 to \$20,000). The Government used these laws during the year to suppress criticism. The law also imposes strict punishments for reporters who do not reveal their government sources in response to government requests.

Internet Freedom.—The Government relied on its press and publications laws, the penal code, and the Emergency Law to censor access to the Internet. The Internet was widely available in both dial-up and highspeed wireless connections. Web cafes continued to proliferate throughout the major cities. The Government monitored Internet usage and in some instances blocked access to Internet sites or Web-based e-mail that contained or transmitted information deemed politically sensitive.

According to an international human rights group, all three of the country's Internet service providers regularly blocked access to a variety of Web sites. The Government restricted access to Web sites associated with Kurdish opposition groups and both the MB and Syrian MB. Other electronic media that the Government restricted during the year included Amazon.com, the social-networking site Facebook, YouTube, online pan-Arabic newspapers such as Asharqal-Awsat, the online phone service Skype, and online news services such as LevantNews.com. The proreform Web site All4syria.org has remained blocked since 2004.

In April authorities blocked the Web site SyriaNews.com for 10 days, according to a local human rights group.

On May 10, the SSSC sentenced Tareq Bayasi to six years in prison for publishing online comments critical of the Government. The sentence was subsequently commuted to three years. According to local human rights observers, in July 2007 the SMI in Tartous summoned Bayasi, son of former political prisoner Omar Bayasi regarding comments he had made in an Internet discussion forum. The authorities detained him, transferred him to Damascus, and held him incommunicado for months. The SMI had arrested Bayasi previously in June 2007 for insulting security services online.

On August 15, according to the Web site Elaph.com, authorities shut down the Web site Nazaha.com (Integrity) and detained its publisher, Abdullah Ali Suleiman, for 13 days. Founded in 2005, Nazaha.com was regularly subjected to Web-based attacks. In February 2007 hackers destroyed the site's archives.

On May 7, security agents arrested Habib Saleh for "spreading lies and undermining the state." Previously Saleh, an Elaph.com contributor, was in prison from May to September for publishing articles critical of the Government on the Internet. He was arrested in 2001 and 2005 on similar charges. He had one preliminary hearing on December 1 in the Damascus Second Criminal Court. At year's end there were no further developments in his case.

There were few developments in the case of Karim 'Arbaji, detained by the Mantaqa branch of the SMI in June 2007 allegedly for moderating Akhawia.net, a popular online social and political forum for youth. According to various human rights organizations, 'Arbaji was being held at the Sednaya military prison in preparation for a June 8 trial before the SSSC. However, the SSSC did not meet in June, and a new trial date was not set. There were no further developments in this case by year's end.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and cultural events. Teachers generally were not permitted to express ideas contrary to government policy. Authorities permitted slightly more freedom of expression at the university level; however, the Government imposed restrictions on the ability of public universities to associate with foreign cultural centers. Universities gave Ba'ath Party members preferential admissions treatment.

On March 3, according to a local human rights organization report, security forces detained Ammar Rashed, Saleh al-Ali, and Tayseer Omar, professors at the Shari'a College at the University of Damascus, for their public criticism of corruption and for advocating freedom of expression. All three men remained detained at year's end.

The MCNG censored films and exercised the right of approval over films shown at cultural centers operated by foreign embassies.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of assembly; however, Emergency Law provisions superseded this right, and the Government did not respect it in practice. MOI permission is needed for demonstrations or any gathering of more than three persons. During the year HRW reported that the Government routinely prohibited or interrupted meetings of human rights and civil society activists. The Government or the Ba'ath Party organized most public demonstrations.

The Government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. However, several domestic human rights and civil society groups held meetings without registering with the Government or obtaining prior approval. In many instances the Government took steps to disrupt such gatherings or prevent them from occurring. For instance, on December 31, local police broke up a peaceful demonstration by a

group of independent journalists protesting violence in Gaza. The journalists held a sit-in at the Journalists' Federation in Damascus and had requested permission from the Ministries of Interior and Information. The President of the federation, however, asked the Government to break up the sit-in because it was not authorized by the federation itself.

Demonstrations occurred during the year, including some permitted or organized by the Government.

For example, on January 21 and February 23, demonstrations against Israeli actions in Gaza and the West Bank took place without government interference in the Yarmouk Palestinian Refugee Camp in the suburbs of Damascus.

On March 3 and 5, the Government approved a march to protest the siege of Gaza in Damascus and Homs, respectively.

On March 6, according to a local human rights organization, authorities broke up a gathering of Kurdish families waiting in front of the SSSC to attend the hearing of five Kurdish activists. The SSSC had changed the court date without notifying family members. Authorities arrested dozens of individuals but released them within a few hours.

On March 8, security forces fired warning shots and used tear gas to disrupt a celebration of Women's International Day in Ein al-Arab, according to human rights observers.

On April 17, police prevented approximately 400 students from making a Damascus University sponsored trip to the coast. Police ordered the students, who had gathered in front of the faculty of medicine, back into the school.

On April 19, the Syrian Committee for supporting Syrian Prisoners in Israeli Prisons organized a candlelight demonstration without government interference in front of the International Committee of the Red Cross offices in Damascus.

On May 15, quasi-government organizations sponsored a number of large rallies in major cities to protest the 60th anniversary of the founding of Israel.

On August 24, local human rights observers reported that an estimated 2,000 security and military personnel prevented a large group of demonstrators from gathering in front of the home of Mashaal Tammo, head of the Kurdish Future Movement Party. The demonstrators were protesting the Government's August 15 detention of Tammo.

On October 30, an estimated 1,000 to 2,000 persons gathered in a Damascus square without government interference to protest the alleged October 26 U.S. military raid on Abu Kamal, a town on the Syria-Iraq border. Observers stated government employees were allowed to leave their offices, and a number of high-school and university classes were dismissed to ensure a large crowd.

On November 2, a coalition of Kurdish political opposition parties, including the Yeketi Party, organized a protest against Decree 49, a new law that curtails already limited property rights along the country's borders. The protest was to take place in front of the parliament building in Damascus, but as Kurdish activists gathered at a nearby staging point and began moving toward the parliament building, they were set upon by military intelligence and the police's Special Forces Unit. In all, 192 persons were arrested and released approximately 12 hours later. While the use of force was restrained, police tasered one individual in the throat.

At a December 3 event to welcome Lebanese Change and Reform Bloc leader Michel Aoun, approximately 3,000–5,000 students, parents, and journalists gathered in the Christian area of Damascus's old city with government approval. Observers stated the Government pulled students out of school to ensure a good turnout.

From December 27 until the end of the year, the Government actively encouraged numerous large peaceful protests against Israeli actions in Gaza. As was often the case with other protests during the year, the Government frequently closed schools and released civil servants from work in an effort to increase the number of participants.

At year's end the Government had not filed charges against the perpetrators of the 2006 demonstrations that destroyed the Norwegian embassy and heavily damaged the building housing the Danish, Chilean, and Swedish embassies. The embassies received some financial compensation from the Government, but not enough to cover the actual cost of damages, according to diplomatic sources.

Freedom of Association.—The constitution permits private associations but also grants the Government the right to limit their activities. In practice the Government restricted freedom of association, requiring prior registration and approval for private associations. The Government often denied requests for registration or failed to act on them, presumably on political grounds. None of the approximately 14 local human rights organizations operated with a license during the year. By year's end no license had been issued to an independent association of journalists reporting for

regional Arab media, according to press reports. The Government continued to block the six-year effort by journalists to form the association.

In addition, the Government did not permit the establishment of independent political parties. In recent years citizens have sought to establish political parties but have not received licenses from the Government. In practice, however, the Government tolerated some political parties, such as the Communist Union Movement. Additionally, there are illegal parties, such as the Communist Action Party, the People's Party, and the Arab Social Union, that suffer harassment but not automatic arrest for membership. The Government forbids membership in Islamist parties, and members of Islamist parties were subjected to immediate arrest and execution.

The Government granted registration to some groups not engaged in political or other activities deemed sensitive. However, the Government restricted the activities of associations and their members, and the executive boards of professional associations were not independent.

On March 18, according to a human rights organization, the SSSC sentenced Taiseer Naasan, who allegedly belonged to the Islamic Liberation Party, to 12 years in prison for belonging to an organization "created to change the economic or social structure of the state," opposing the objectives of the revolution, and forgery. On the same day, five other individuals—Hilal Hameed, Adel Ahmed Hajj, Jumaa Hussein Shehada, Yasir Hameed Saleh, and Muhammad al-Gallway—were sentenced to prison terms of seven to 12 years for their alleged membership in an organization "created to change the economic or social structure of the state." The men had been in detention since 2005.

On November 2, the Court of Cassation overturned an August 20 ruling by the second criminal court of Damascus that had rejected Michel Kilo's and Mahmoud Issa's request for early release. Kilo and Issa were arrested in 2006 and sentenced in May 2007 to three years in prison for "weakening national sentiment." Before Kilo and Issa were released, however, the prosecutor appealed the decision. On December 15, the Court of Cassation in a plenary appeal session ruled against Kilo and Issa's early release, requiring them to serve their full sentences.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed some restrictions. The Government discouraged public proselytism and monitored groups it considered to practice militant Islam. Human rights organizations reported that alleged Islamist prisoners and detainees were subject to torture and mistreatment in custody. The Government continued its 1964 ban of Jehovah's Witnesses; however, they continued to practice their religion privately.

There is no official state religion; however, the constitution requires that the President be Muslim and stipulates that Islamic jurisprudence is a principal source of legislation. Sunni Muslims constituted approximately 74 percent of the population. Other Muslim groups, including Alawi, Ismailis, and Shi'a, constituted an estimated 13 percent of the population. The Druze accounted for an estimated 3 percent of the population, while various Christian denominations accounted for the remaining 10 percent.

All religions and religious orders must register with the Government, which monitored fundraising and required permits for all meetings by religious groups, except for worship. The constitution stipulates the separation of religious institutions and the state; however, the Government routinely intervened in and controlled religious groups up to and including the grand mufti, who is appointed by the Government. Religious groups tended to avoid any involvement in internal political affairs.

The Government generally refrained from involvement in strictly religious issues. However, a local human rights group stated that in February, in the northeastern province of Deir Ezzor, the SMI arrested a number of citizens for their opposition to Shiite proselytism in the area, especially in the town of Khatlah. The human rights group stated that the detainees were affiliated with moderate Sufiism. Three of the detained were identified as Tareq al-Hasan (civil engineer), Ahmad To'mah (dentist), and Ahmad al-Rumh (teacher and speaker at the Mus'ab Ibn Umair Mosque in Deir Ezzor). The Government cited national security as the reason for barring Jewish citizens from government employment, serving in the armed forces, and maintaining contact with Israel. Jews also were the only religious minority group whose passports and identity cards noted their religion. Jewish citizens had to obtain permission from the security services before traveling abroad and faced excessive government scrutiny when applying for licenses, deeds, or other official documents. The Government enforced a law against exporting historical and cultural treasures to prohibit the Jewish community from sending historical Torahs abroad.

All public schools are overseen by the Government and are nonsectarian; however, Christian and Druze minorities operated a number of private schools that followed

the state curriculum. There was mandatory religious instruction in schools with government-approved teachers and curriculums. Religion courses were divided into separate classes for Muslim and Christian students. Although Arabic is the official language in public schools, the Government permitted the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean as "liturgical languages."

Muslims and Christians are subject to their respective religious laws on marriage and divorce. In 2006 a new Personal Status Law for Catholics went into effect, giving Catholics their own laws for adoption, inheritance, and guardianship. Previously, Catholics were subject to some Shari'a-based laws. Orthodox and other Christians remained subject to Shari'a in matters pertaining to adoption, inheritance, and guardianship. In matters pertaining to marriage and divorce, however, Orthodox and other Christians were to follow the laws of their respective churches. Regardless of religion, however, child custody laws for all children remained based on Shari'a.

Although the law does not prohibit proselytizing, in practice the Government discouraged such activity, deeming it a threat to relations among religious groups. Foreign missionaries were present but operated discreetly.

The Government considered militant Islam a threat and monitored its adherents. The Government also monitored and controlled sermons and dictated that mosques (except those which are major tourist sites) remain closed outside of prayer time.

Societal Abuses and Discrimination.—There was little evidence of societal discrimination or violence against religious minorities. Some Islamic education textbooks stated that Christians and Jews resident in Islamist states should pay *jiziah* (a special tax).

Societal conventions as well as religious and theological proscriptions made conversions relatively rare, especially from Islam to Christianity. In many cases societal pressure forced those who undertook such conversions to relocate within the country or leave the country altogether to practice their religion openly.

There were no reported acts of physical violence against, or harassment of, Jewish persons, an estimated 100 of whom lived in the country, according to the Israeli Web site Haaretz.com. The Government condoned anti-Semitism in state-owned radio and television programming, newspapers, and other mass media. Anti-Israel material was widespread, some of which carried anti-Semitic overtones.

On February 11, Syrian Satellite TV in Damascus aired "Circle of Events," a live talk show hosted by Nidal Qabalan. In his opening comments he made reference to "Nazi Zionists." One of the guests on the show, Hasan Junyeh, a professor of international law, stated that Israel did not have a democratic government, but a "Fascist Zionist regime."

On March 3, an editorial appearing in Damascus Syria Times argued that only a concerted effort by nations in the region could halt the "neo-Nazi Israeli genocide."

On March 9, Damascus Syria Times published an on-line article that criticized United States support of "Israeli neo-Nazis."

On March 9, Al-Thawra published an Internet article that accused the Western media of not paying attention to "the Zionist holocaust in Gaza."

On April 11, Al-Thawra published an article on the Internet that stated the crimes of Israel were "worse than the Nazi and Fascist crimes."

On May 17, in reaction to the U.S. President's speech before the Knesset, Tishrin published an article accusing both major U.S. political parties of being committed to the "religious edicts of Zionist rabbis" and that these edicts were more "racist, brutal, and terrorist than the Nazi pronouncements."

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The constitution provides for freedom of movement "within the territories of the state unless restricted by a judicial decision or by the implementation of laws." While citizens are ostensibly free to travel internationally, the Government limited freedom of movement in practice by requiring citizens to apply for exit visas.

The Government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct searches without warrants for smuggled goods, weapons, narcotics, and subversive literature.

During the year the Government increased the use of travel bans to prevent more than 100 critics of the regime, human rights activists, political reformers, and civil society leaders from leaving the country. The Government usually applied travel bans without any explanation for their basis or duration, even when individuals needed to travel for health reasons. In some cases citizens learned of the ban against their travel only after being prevented from departing the country.

Individuals whom the Government banned from traveling internationally during the year included a naturalized American citizen of Syrian descent; Mustafa Haied, prohibited from leaving the country for alleged security reasons; Abdulhafeez Hafez, whose place of work (a library) was also raided by security forces; lawyer, former cabinet minister, and Democratic Arab Socialist Union deputy general secretary Muhammad Abdul-Majeed Manjounah, who reportedly planned to travel to Yemen to attend a Pal-Arab conference; Radeef Moustapha, chairman of the Kurdish Committee for Human Rights in Syria, who planned to travel to France to attend a training workshop; writer and journalist Khaled Smeisima; Dr. Hassan Abbas, a translator and professor; Mazen Darwish, head of the Syrian Center for Media and the Freedom of Expression; internationally acclaimed film director Muhammed Malas, who planned to travel to Paris and Rome on film-related business; Ma'rouf Mulla Ahmed, senior member of the Kurdish Yekiti Party; Abdul Satter Qattan, a human rights activist and former prisoner of conscience; Rajaa Al-Nasser, secretary of the Arab Democratic Socialist Union party; and Muhanad al-Hasani, chairman of Syrian Observatory for Human Rights. There were no updates on travel bans instituted in previous years.

During the year authorities also reportedly imposed heavy fines on more than 10 women from neighboring Gulf states before they could return to their home countries. Human rights observers believed the fines evinced corrupt government officials' attempts at extortion.

Travel to Israel is illegal, and the Government restricted travel near the Golan Heights.

Women over the age of 18 have the legal right to travel without the permission of male relatives; however, a husband or a father may file a request with the MOI to prohibit his wife or minor dependents' departure from the country.

The Government refused to recognize the citizenship of, or grant identity documents to, approximately 300,000 persons of Kurdish descent. Lack of citizenship or identity documents restricted their travel to and from the country. In his inauguration speech in July 2007, the President stated again that the Government would try to resolve the issue of stateless Kurds; however, at year's end there had been no progress. Syrian emigrants who did not complete mandatory military service could pay a fee to avoid conscription while visiting the country. Persons of Syrian origin who were born in a foreign country but were able to demonstrate service in the army of the country of birth were exempted from military service without payment.

Until September 2007, as has been long-standing practice, citizens of Arab League countries were able to enter the country without a visa for a stay of up to three months, a period that could be renewed. On September 10, 2007, the Government, citing the ongoing Iraqi refugee crisis, required all Iraqis to obtain a visa before entry. The Government postponed implementation of this new policy until October 1. At year's end Iraqis needed a visa to enter the country; however, the extent to which this policy was being enforced at the border and the exact visa requirements remained unclear.

Residency permits required proof of employment and a fixed address in the country. Officials continued to assert publicly that nonpermanent resident males between the ages of 18 and 30 could be denied entry for a number of reasons, including traveling alone, student or recent graduate status, residence in a country other than their own, and "suspicious" travel abroad.

The constitution prohibits forced exile, and there were no reports of forced exile during the year.

The law provides for the prosecution of any person who attempts to seek refuge in another country to escape a penalty in Syria. Persons who have unsuccessfully sought asylum in other countries and who have past connections with the MB have been prosecuted upon their return to Syria. The Government routinely arrested both dissidents and former citizens with no known political affiliation who tried to return to the country after years or even decades in exile.

On January 16, security services arrested Izzideen Muhammad Hussein, a Syrian and German citizen, upon his arrival at Damascus International Airport and held him for three days. No reason for his arrest was given.

On February 2, the PSD reportedly arrested Faisal Ahmad al-Kurdi at Damascus International Airport upon his arrival from Germany where he lived. Before traveling, the report stated, al-Kurdi sought and received assurances from the Syrian embassy in Berlin that he was not wanted by any Syrian security branch, and al-Kurdi had completed his required military service. He was reportedly held for several days and then released.

On March 9, the SMI in Aleppo arrested Abdul Rahman al-Khamis a few weeks after his return from Saudi Arabia, where he had lived for the last 25 years, accord-

ing to a local human rights group. Authorities reportedly gave no reason for the arrest and released al-Khamis on April 27.

On August 8, authorities reportedly arrested Syrial-Czech citizen Na'eem Nasla upon his arrival at Aleppo airport from the Czech Republic where he lived and worked. He was transferred to the SMI Palestine Branch for interrogation and released on August 11.

On October 9, authorities reportedly arrested Fuad Hussein, a British national of Palestinian descent, at the Syrial-Jordanian border, according to human rights observers. Hussein was traveling to Damascus with his wife to visit her relatives. Hussein, an engineer, left Britain three years ago to live in Jordan. He suffers from a number of health conditions, including high blood pressure and diabetes. There was no further information on his status or confirmation on his nationality at year's end.

Protection of Refugees.—The Government is not a party to either the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol. It generally cooperated with the office of the United Nations High Commissioner for Refugees (UNHCR) and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting internally displaced persons, refugees, stateless persons, and asylum seekers and respected UNHCR's eligibility determinations regarding asylum seekers. Generally, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. One notable exception to this was the detention and alleged forced return of several Iranian Ahvazis who were recognized refugees.

The Ahvazi Centre for Human Rights and other sources reported that the Government arrested and returned seven Ahvazis to Iranian authorities during the year. These include Danish citizen Saied Hammadi, arrested on March 5 at Damascus International Airport, and Masouma Al-Kaabi, wife of Habib Jaber, a refugee in Denmark, and their five children, who were arrested in Damascus on September 28.

UNRWA reported that there were approximately 450,000 registered Palestinian refugees in the country during the year. The General Authority of Palestinian Arab Refugees in Syria, the Government agency established to coordinate assistance and protection to refugees, continued to provide assistance to Palestinian refugees during the year. Palestinian refugees with Syrian travel documents generally reported little difficulty traveling in and out of the country. The Government refused to permit the full integration of these Palestinians into Syrian society. At year's end there were approximately 300 Palestinian refugees from Iraq registered at al-Hol, while another group of over 900 Iraqi Palestinians remained stranded between the Iraq-Syria border at the al-Tanf crossing. Other sources have reported that security forces deported some Palestinian refugees (coming from Iraq) from Damascus, where they sometimes tried to blend into the larger Palestinian community or pass themselves off as Iraqis, to the camp at al-Tanf.

On October 9, according to Lebanese media outlets Al-Liwaa and Naharnet.com, security agents killed Palestinian refugee Abu Ibrahim in the unofficial Palestinian refugee camp of Yarmouk. Abu Ibrahim (which was the individual's alias) was married to Wafaa al-Absi, the daughter of Shaker al-Absi, a leader of Fatah al-Islam.

As of November more than 219,000 Iraqi refugees registered with the UNHCR, and most received legal and material assistance from the UNHCR and other international and nongovernmental humanitarian organizations. On November 17, the Government and UNHCR signed a memorandum of understanding that stipulates for UNHCR to support the efforts of the Government in providing medical services to Iraqi refugees until the end of 2008. No new memorandum was signed by year's end. The Government estimated in September that approximately 1.2 million displaced Iraqis lived in the country with valid visas. It is not known how many Iraqis are in the country without visas.

In October, approximately 400 Iraqi Christians, fleeing violent attacks aimed at the Christian community in Mosul, Iraq, crossed into northern Syria as refugees. According to its Web site UNHCR has been closely monitoring the situation in order to ensure these refugees are given proper assistance upon arrival in Syria. At year's end, the UNHCR has registered or is in the process of registering around 45 families from Mosul (20 in Aleppo and the rest in Damascus) and has begun assessing them for emergency grants and food assistance.

The Government generally continued to honor UNHCR's request that states maintain some temporary protection for all Iraqi asylum seekers and persons whose applications have been rejected. The Government recognized refugees whose cases had been suspended by resettlement countries during the year. However, UNHCR received unconfirmed reports that the Government deported some Iraqis during the year.

UNHCR does not promote voluntary repatriation to Iraq; however, given that some families are returning, UNHCR provided counseling and assistance to 68 returning families. According to UNHCR figures, during the year 8,180 persons from Somalia, Sudan, Yemen, Afghanistan, Algeria, Chad, Eritrea, Ethiopia, and Iran were recognized as refugees or had asylum cases pending.

There are no direct provisions in the law giving refugees the right to work. However, according to UNRWA, the rules for employment of citizens were applicable to Palestinian refugees provided that they have been living in the country for at least ten years. Obtaining a work permit is a lengthy and complicated process; refugees were rarely granted a permit. In reality many refugees found daily labor in the informal sector mainly as guards, construction workers, street vendors, and in other manual labor jobs. There were reports of refugees, particularly Iraqi girls and women, who worked in the country as prostitutes, but no reliable statistics were available.

Most public schools were unable to accommodate fully the large number of children of Iraqi refugees. The Government allowed Iraqi children to attend schools, and according to a UNHCR estimate, more than 49,000 Iraqi children were enrolled in public schools during the 2007/2008 academic year. Many Iraqi children were still not attending school for multiple reasons including overcrowded schools, difficulties with the curriculum, and previous psychological trauma of the parents and children.

Stateless Persons.—Citizenship is derived from the father, not place of birth or birth mother. Following the 1962 census, approximately 120,000 Syrian Kurds lost their citizenship, which the Government has never restored. As a result, those who lost their nationality, including their children, remained severely disadvantaged in participating in civil life and in receiving government services including health and education, as well as employment open only to citizens. Stateless Kurds had limited access to university education. UNHCR and Refugees International estimated there were approximately 300,000 stateless Kurds.

Despite the President's repeated promises to work to resolve the issue of the Kurds, the latest in his July 2007 inauguration speech, no progress was made during the year.

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

The constitution requires that the President be elected by referendum, and the parliament selects a Presidential candidate at the discretion of the regional Ba'ath Party leadership. A Presidential candidate is then approved by a majority of votes in a popular referendum. Although citizens vote for the President and MPs, in practice they did not have the right to change their government because elections were neither free nor fair.

Elections and Political Participation.—No general elections took place during the year on the parliamentary, Presidential, or local levels. However, on November 9, the Damascus Chamber of Commerce (DCC) held elections. Eight DCC officials, who ran together on a single slate, were re-elected. Another incumbent won election as an independent. Voters elected in three new members, two of whom ran together and one who ran as an independent. Eligible voters for DCC elections must own a properly government-registered business, be registered with the DCC, and have paid in full all DCC dues. No foreign national business owners, with the exception of Palestinians who have Syrian residency documents, are eligible to vote in these elections. For the DCC election, 7,150 out of 30,000 members were eligible to vote; 2,513 actually voted. DCC conducts elections on an open list system for the twelve available seats: candidates can run together as a slate or independently. There are no restrictions on how many candidates can appear on a single slate. Voters may choose to vote for a whole slate, selected individuals on a slate, as well as independents.

In 2007 Presidential, parliamentary, and local elections occurred. International election monitors were not allowed to enter the country to observe any of the elections. International and local human rights advocates judged all three elections as neither free nor fair and asserted that they served to reassert the primacy and political monopoly of power wielded by President al-Asad and the Ba'ath Party apparatus.

In May 2007 an unopposed referendum confirmed Bashar al-Asad as President for a second seven-year term. Although some opposition groups estimated voter turnout at significantly less than 50 percent, government statistics declared al-Asad had won 98 percent of the vote with voter turnout officially reported at 96 percent. Outside observers uniformly dismissed the voter statistics as fraudulent and not representative of observed participation. Citizens were not formally required by law to

vote; however, voters received a stamp on their voter card, which authorities sometimes requested when providing services.

The President appoints the vice Presidents, prime minister, deputy prime ministers, and Council of Ministers and has the discretion to change these appointments. The President and his senior aides, particularly those in the military and security services, made most political and economic decisions with a very limited degree of public accountability.

The President and the Ba'ath Party suppressed political opposition. The constitution provides that the Ba'ath Party is the ruling party and ensures it has a majority in all government and popular associations, such as workers' and women's groups. The Ba'ath Party and nine other smaller satellite political parties comprise the NPF, originally established in 1971. The NPF represented the only framework for legal political party participation for citizens; however, the Ba'ath Party dominated it, and the on-party character of the political system remained.

The Ba'ath Party dominated the 250-member parliament, or People's Council. Parliamentarians can criticize policies and modify draft laws; however, the executive branch retains ultimate control over the legislative process. During parliamentary and local elections in August 2007, NPF candidates won an overwhelming majority of offices in elections observers characterized as neither free nor fair. Some carefully vetted independents were permitted to run and win seats at both levels.

Women and minorities, with the exception of the Jewish population and stateless Kurds, participated in the political system without restriction. During the year, a female vice President and two female cabinet ministers were in office. Thirty of the 250 MPs were women.

The Government did not provide information on the ethnic or religious composition of parliament or the cabinet. According to human rights observers, ethnic and religious minorities claimed they had no genuine representation in the Government.

In 2004 the Government banned all political activities by the 12 Syrian Kurdish parties, although enforcement has varied. The Syrian MB has remained banned in the country since 1963.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, corruption and impunity remained serious problems. It is rare for the highest-level officials to be exposed to corruption charges. In nearly all cases, such charges were used by the regime as a political tool to attack its perceived enemies or rivals.

At year's end the Government had dismissed approximately 300 public employees on charges of corruption and similar abuses.

There are no laws providing for public access to government information. There are no public financial disclosure laws for public officials.

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

There were no legal domestic human rights groups, but approximately 14 human rights groups operated illegally in the country. During the year there were reports of government harassment of domestic human rights activists, including regular, close surveillance and the imposition of travel bans on them as they sought to attend workshops and conferences outside the country.

The Government stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee attached to the Ministry of Social Affairs and Labor. However, NGOs reported that they rarely receive responses from the Ministry. The Government normally responded to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the case was still under investigation, that the prisoner in question violated national security laws, or, if the case was in criminal court, that the country has an independent judiciary and the executive cannot interfere.

In general the Government remained highly suspicious of international human rights NGOs and typically did not allow them into the country; however, in June and July 2007 the Swiss NGO Geneva Institute for Human Rights offered human rights training for police officers in the country. The NGO worked closely with and eventually received the sponsorship of the MOI. Neither HRW nor AI visited the country during the year.

In past years the Government had never allowed an international NGO to set up aid and development operations in the country. By year's end, according to the UNHCR, the Government had signed memoranda of understanding with 10 international humanitarian NGOs (Premiere Urgence, the Danish Refugee Council, International Medical Corps, the Qatari Red Crescent, the Institut Europe de Co-operation et de Developpement, the Turkish Blue Crescent, Enfants du Monde

Droits de l'Homme, HELP, International Rescue Committee, and the Islamic Relief France), officially authorizing them to begin work in the country. At year's end three of the 10 had begun operating: Premiere Urgence, the Danish Refugee Council, and International Medical Corps.

As a matter of policy, the Government has denied in the past to international human rights groups that it commits human rights abuses.

On February 14, UN High Commissioner for Refugees Antonio Guterres visited the country and met with President Asad. Guterres stated that he received assurances from the President that Iraqi refugees would not be sent back against their will.

From April 7 to 10, UNRWA Commissioner-General Karen AbuZayd attended meetings with First Lady Asma al-Asad, the prime minister, the deputy minister of foreign affairs, and the minister of social affairs and labor to discuss UNRWA's growing microfinance program, its Neirab rehousing project in Aleppo, its reform efforts, and the overall situation of Palestine refugees in the country. She returned for the October 14 launch of UNRWA's "Violence-Free Schools" campaign and the opening of new school buildings in Homs and Khan Eshieh camps. The General Authority for Palestinian Arab Refugees supported her visit and cooperated in the Agency's campaign. As in past years, UNRWA reported having a "highly productive" working relationship with the Syrian government.

On June 9, 23 members and observers from the UNRWA Advisory Commission visited a Damascus refugee training center and a number of projects in the Yarmouk Camp. In addition, the commission held a meeting on June 10 and 11 under Syria's chairmanship. UNRWA Commissioner-General Karen AbuZayd attended.

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

The constitution provides for equal rights and equal opportunity for all citizens, and discrimination based on race, gender, disability, language, or social status is prohibited; however, the Government did not enforce the law effectively. For example, membership in the Ba'ath Party or close familial relations with a prominent party member or powerful government official helped economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'ath Party members. There was governmental and societal discrimination against stateless Kurds and Jews.

Women.—Rape is a felony; however, there are no laws against spousal rape. According to the law, "the punishment for a man who rapes a woman (other than his wife) is at least 15 years in prison." However, if the individual who commits the crime agrees to marry the victim, he faces no punishment. The victim's family sometimes agrees to this arrangement to avoid the social scandal and stigma attached to rape. If the victim is too young for marriage, the rapist receives a longer prison sentence. No statistics were kept on spousal rape because it is not a crime under the law.

The law does not specifically prohibit domestic violence, and violence against women occurred during the year. A 2006 study reported that as many as one in four women surveyed had been victims of violence. The vast majority of domestic violence and sexual assault cases likely went unreported, as some victims were reluctant to seek assistance outside the family. Observers reported that when some abused women tried to file a police report, the police did not respond aggressively, if at all, to their claims. Women reported incidents at police stations of sexual harassment, verbal abuse, hair pulling, and slapping by police officers when attempting to file police reports, particularly at the Criminal Security branch at Bab Musallah in Damascus.

Victims of domestic violence have the legal right to seek redress in court, but few did so because of the social stigma attached to such action. The Syrian Women's Federation offered counseling services to battered wives to remedy individual family problems. The Syrian Family Planning Association also provided counseling. Some private groups, including the Family Planning Association, organized seminars on violence against women. There was believed to be at least one private shelter specifically designated for battered women who fled from their husbands.

The law specifically provides for reduced sentences in "honor" crimes; however, the Government began to discuss changing the law. In October the Syrian Commission for Family Affairs, in cooperation with the Ministries of Justice and Religious Endowments, convened a national forum to discuss the revocation of laws mitigating

punishment for honor killings, and parliamentarians in attendance reportedly voiced support for the repeal.

No official statistics were kept on honor crimes, and when cases were reported, full names were rarely given. Advocacy groups did not release full names in order to protect victims. However, there were numerous press and anecdotal reports of honor crimes throughout the year.

In late December 2007 or early January 2008, Muhammad Saleem Kefaya slit the throat of his sister, Yasmina Kefaya, and then immediately turned himself into the police, claiming that he had killed her to “wash away” the family’s dishonor. Authorities had previously arrested Muhammad and Yasmina for theft and prostitution, respectively. There were no new developments on this case at year’s end.

A women’s advocacy Web site reported on January 5 that 22-year-old Eman Watta was killed by her brother at their home near Idlib, in northwestern Syria. Watta’s shame was that her husband divorced her and returned her to her parents’ home because he suspected her of being disloyal. Watta’s brother surrendered himself to police. At year’s end there was no further information as to whether police had actually charged and imprisoned the individual.

On February 28, a 23-year-old man named Haitham reportedly attempted to kill his 20-year-old sister Widad for having a second marriage without a legal divorce from her first husband. Haitham shot at his sister but hit and critically injured her second husband instead. There were no further developments in the case at year’s end.

In May, in Latakia, according to the Web site of the International Campaign Against Honor Killings, a local court sentenced an unidentified male to 15 years’ imprisonment for the murder by shooting of his sister. The court made its decision based on a coroner’s report stating that the victim’s hymen was intact. The defendant claimed to have been told that his sister was concealing a pregnancy.

On May 10, 14-year-old Zeina Daadoush was killed by her brother because of her purported relationship with a 16-year-old male youth.

In September a man reportedly shot and killed his two sisters, Safanah and Joumana, in Ragga for dishonoring their family. The sisters had left home in 2007 without telling their family. The family filed a missing persons report with the police, which eventually led to the detention of the two sisters. Police released the two sisters to family members after the family signed a statement forswearing violent punishment. Eight months after their return, their brother killed them both at home and then surrendered to police. There were no further developments in the case at year’s end.

On September 15, a local women’s advocacy Web site reported that in the town of Idlib, 17-year-old Dardaa was killed by her father as a result of her alleged involvement with a married man. The married man reportedly lured Dardaa to Damascus with the prospect of marriage. After a short time, he returned her to her family, never having married her. At year’s end there were no further developments in this case.

There were no new developments in the January 2007 case of the honor killing of 16-year-old Zahra al-Ezzo by her brother.

The law prohibits prostitution, but it was not strictly enforced. During the year there was evidence that Iraqi women residing in the country, including minors, were increasingly resorting to prostitution in order to survive. Police placed criminal liability in nearly all the cases on the person in prostitution, not others involved. Anecdotal evidence also suggested that the country was a destination for sex tourism for men from other countries in the region.

The UNHCR observed that there was a growing practice of *muta’a*, a temporary pleasure marriage conducted by some Shiite clerics. The length of these marriages are predetermined at the outset and become null and void once the agreed-upon term has passed. They can last as little as one day and primarily serve individuals seeking to legitimize patronizing prostitutes. However, the majority of Shiite clerics viewed the practice as suspect and did not conduct such marriages.

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The constitution provides for equality between men and women and equal pay for equal work. Moreover, the Government sought to overcome traditional discriminatory attitudes toward women and encouraged women’s education by ensuring equal access to educational institutions, including universities. The Commission for Family Affairs, the Ministry of Justice, and the Ministry for Social Affairs and Labor all share responsibilities in ensuring legal rights of women.

The Government has not changed personal status, retirement, or social security laws that discriminate against women. Under criminal law, if a man and woman

separately commit the same criminal act of adultery, the woman's punishment is double that of the man's. Also, for Muslims personal status law is based on the Government's interpretation and application of Shari'a, which discriminates against women.

Husbands and wives can claim adultery as grounds for divorce; however, criminal law discriminates against women in this regard. A man can be accused of adultery only if his actions occur in the home that he shares with his wife; a woman can be accused of adultery regardless of venue. The court accepts any evidence a man presents when claiming adultery; if a woman attempts to file for divorce based on adultery, her husband must admit to the crime, or there must be a third witness to the act. During the year there were no reported cases where a woman successfully filed for divorce based on adultery.

A divorced woman might not be entitled to alimony in some cases, particularly if she gave up her right to it in order to persuade her husband to agree to the divorce. In addition, under the Personal Status Law modified in 2003, a divorced mother loses the right to physical custody of her sons when they reach the age of 13 and of her daughters at age 15. Guardianship, or control over exercise of the legal rights of the children, always goes to the paternal side of the family after the age of 13 and 15, respectively.

Inheritance for all citizens except Catholics is based on the Government's interpretation of Shari'a. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. In all communities, however, male heirs must provide financial support to the female relatives who inherit less. If they do not, females have the right to sue. During the year, however, there were reports that in some regions of the country custom prevailed over the law, and women were denied any inheritance whatsoever.

For example, Turkish Weekly reported on October 18 that local communities in Deir al-Zur, a rural region in the northeastern region, denied women their legal inheritance. This report was based on a study conducted during the year by the Ministry of Social Affairs and Labor. According to the article, family and community members threatened and intimidated women into giving up pursuit of their lawful inheritance. In some cases women gave up their rights voluntarily.

Polygamy is legal but was practiced only by a small number of Muslims.

A husband, or any male relative, may request that his wife and his wife's children's travel abroad be prohibited. While official statistics were not available, foreign embassies reported a number of such incidents during the year. Women participated actively in public life and were represented in most professions, including the armed forces. Women were not impeded from owning or managing land or other real property. During the year women constituted approximately 13 percent of judges, 18 percent of lawyers, 65 percent of teachers below university level, 27 percent of university professors, and 49 percent of university graduates. In addition, women accounted for 30 MPs, one cabinet minister, and one vice President. The President promoted a former cabinet minister to the position of political and media advisor to the President; she maintained ministerial rank.

Children.—The Government provided free public education to citizen children from primary school through university. Education is compulsory for all children, male and female, between the ages of six and 12. Non-citizen children could also attend public schools for free but required prior permission from the Ministry of Education. According to a 2005 joint study by the UN Development Program and the State Planning Commission, 49.6 percent of students through the secondary level were female. Nevertheless, societal pressure for early marriage and childbearing interfered with girls' educational progress, particularly in rural areas, where the dropout rates for female students remained high.

In general Palestinians and other noncitizens, including stateless Kurds, can send their children to school and universities; however, stateless Kurds are ineligible to receive a degree documenting their academic achievement.

The legal age for marriage is 18 for males and 17 for females. However, a male 15 years of age or older and a female 13 years of age or older may be married if both are deemed by a judge to be willing parties to the marriage and "physically mature" and with consent by the father or grandfather. While underage marriage has declined considerably in the past decades, it was still common in the country. It occurred in all communities but tended to be more prevalent in rural and less-developed regions.

The law provides for severe penalties for those found guilty of the most serious abuses against children. Although there were cases of child abuse, there was no societal pattern of abuse against children.

Human rights organizations reported multiple cases where security services detained minors and placed them in adult prisons.

Trafficking in Persons.—The law prohibits trafficking in persons; however, the Government does not fully comply with the minimum standards for the elimination of trafficking and did not make significant efforts to do so during the year. Syria was a destination and transit country for women trafficked from South and Southeast Asia and Africa for the purpose of domestic servitude and from Eastern Europe and Iraq for sexual exploitation. There were no statistics available on the scope and type of trafficking that exists.

There were reports by NGOs and the press indicating that Iraqi women and girls may be subjected to forced commercial sexual exploitation, some by Iraqi criminal networks in the country. No reliable statistics were available regarding the number of Iraqi refugees working as prostitutes. Credible sources reported that police detained and either released or deported back to Iraq approximately six to 10 Iraqi girls and 50 to 70 women each month for prostitution. In many cases where women or girls were returned to Iraq, they were frequently re trafficked back into Syria. Police placed criminal liability in nearly all on the female, not the traffickers.

A 2003 International Organization for Migration (IOM) study also indicated that some individuals brought into the country to work as domestic workers suffered conditions that constituted involuntary servitude, including physical and sexual abuse, threats of deportation or other legal consequences, denial or delayed payment of wages, withholding of passports, and restriction of movement. The IOM study documented cases in which manpower agencies in the country that hired foreign domestic workers lured some victims through fraudulent or deceptive offers of employment, despite the fact that such manpower agencies are banned.

The penal code stipulates that whoever incarcerates another person is subjected to a prison sentence of six months to two years, including hard labor if the incarceration lasts for more than one month or includes torture. The law also states that any foreigner who tries to enter the country with false documentation and anyone who may have aided that foreigner is subject to imprisonment of three months to one year and a fine of 500 to 2,000 pounds (\$10–\$40). However, these laws were not enforced for antitrafficking purposes in practice during the year.

The Government did not provide victims of trafficking with shelter or other rehabilitative services, and some minor victims were reportedly housed in juvenile detention facilities.

In August Oasis, a women's shelter in Damascus, opened its doors under the supervision of the Association for Women's Role Development, a local organization sponsored by First Lady Asma al-Asad.

The UNHCR operated several safe houses in Damascus for women deemed "at risk." They provided financial assistance to more than 20,000 female victims at all age levels, 2,116 of whom represented single female households.

On December 31, the first shelter for victims of trafficking in the country opened in cooperation between the IOM, the Ministry of Social Affairs and Labor (MSAL), and local NGOs. MSAL provided the premises for the shelter, which provided victims a temporary safe haven, psychosocial support, life skills development, and return and reintegration assistance. It also provided direct livelihood assistance to potential vulnerable groups of Iraqi women and children and other nationalities.

In addition, a local Christian convent operated a women's shelter and a daily hot line, and it also offered free legal counsel.

The Government also does not regulate illegal employment agencies that bring in and, in some cases, facilitate victims' exploitation. The Governments of Sri Lanka, Indonesia, East Timor, and the Philippines banned their citizens from taking employment as domestic workers in the country due to the absence of formal mechanisms to regulate such employment. Despite public statements by officials of their intent to pass legislation to regulate private manpower agencies, which operated illegally in the country, no progress on the matter was made public.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force; however, implementation remained inconsistent. The law protects persons with disabilities from being discriminated against when it comes to education, access to health, or provision of other state services. Government regulations reserve 4 percent of government and public-sector jobs for persons with disabilities. There are no laws that mandate access to public buildings for persons with disabilities. MSAL is responsible for assisting persons with disabilities and worked through dedicated charities or organizations to provide assistance, often to promote self-sufficiency through vocational training.

National/Racial/Ethnic Minorities.—The Government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority remained a significant exception.

Security services arrested hundreds of Kurdish citizens during the year, and the SSSC prosecuted them, in most cases on charges of seeking to annex part of Syria to another country.

On February 17, security forces reportedly arrested two Kurdish activists and PYD supporters, Jehan Muhammad Ali and Hanifa Habo, after the two attended a demonstration in Aleppo on the anniversary of Kurdish leader Abdullah Ocalan's arrest. Both men remained detained at year's end.

On February 20, security services reportedly arrested Kurdish citizen Jaker Khwen Mala Ahmad for his participation in the Yekiti party. He was released on February 25 without being charged.

On March 4, authorities arrested Kurdish citizen Nalin Jamal Sarik, who had participated in a PYD-sponsored gathering in Qamishli.

On April 22, authorities reportedly arrested four Kurds in Ifreen, including Muhammad Rasho, Bakara Muslim, and Saema Ismael. There were no further developments in this case at year's end.

On March 20, according to a local human rights group, authorities arrested Aras al-Yosef and Bawer Abdulrazzaq Oso, both Kurds and university students. Al-Yosef and Oso were released on March 21 and 23, respectively.

On May 5, a security patrol reportedly arrested two Kurds, Bahrouz Sarif Yousef and Hussein Biro Darwish, in Damascus. A human rights organization's report alleged the reason for their detention was their public stance on Kurdish issues. Yousef was released in July; there were no further developments in Darwish's case at year's end.

On October 26, security forces reportedly arrested two leaders of the Kurdish Azadi Party, Saadun Mahmoud Sheykho and Muhammed Said Hussein al-Omar, and detained them in Ra's al-Ayn, a city on the Turkish border in northeastern Syria. At year's end their whereabouts remained unknown.

On November 2, Hervin Osse, Hasan Saleh, Fouad Aleko, and Abdul Hakim Bashar were among more than 191 Kurds whom security forces arrested in connection with an attempted demonstration in front of the parliament building in Damascus. The protesters intended a peaceful sit-in, but they were rounded up by police before reaching the parliament. Nearly all were released the same evening.

On March 5, authorities released Kurdish political activist Marouf Mella Ahmad. Mella, a leading figure in the Yekiti Party, was detained in August 2007.

According to a human rights group, during the year authorities released from detention 36 Kurdish youth held since November 2007. All the individuals were reportedly from Ein al-Arab, a small city on the Syri.—Turkey border.

There were no further developments in the 2007 case of Muhammad Khalil Abo Zaid.

The trial of 49 Kurds connected to the 2005 protest following Kurdish Sheikh Mashook al-Khaznawi's kidnapping and death continued at year's end with no notable developments, despite the Government's announcement that they were granted amnesty in 2006. The most recent trial appearance took place on March 13, at which time the trial was postponed until August 5. The trial was ongoing at year's end.

Although the Government contended that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish, Kurdish cultural expression, and at times, the celebration of Kurdish festivals.

For example, in February security forces reportedly arrested 71-year-old Kurdish singer Ali Tajo. There were conflicting stories surrounding his disappearance. One Kurdish human rights organization claimed that a Kurdish television program in Iraq had scheduled Ali Tajo to participate in a folkloric production and that he was arrested at the Syria-Iraq border. A second Kurdish group stated that Tajo had entertained a group of Kurdish singers from Iraqi Kurdistan in his Aleppo home. Afterwards, local police raided Tajo's home and took him in for interrogation before eventually handing him over to security forces in Damascus. There was no further information on this case at year's end.

On November 11, according to human rights observers, the governor of Hassakeh and the chairman of the city council approved the invitation of the Narine Kurdish Folkloric troupe to participate in the closing ceremony of Al-Khabour Festival for Young Writers. On the eve of the performance, however, the troupe was informed

they were prohibited from presenting their show. The Baath Party branch in Hassakeh allegedly issued the ban.

On March 13, security forces reportedly arrested four Kurdish brothers, Joma'a, Ahmad, Muhammad, and Bahman Hamdo, three of whom worked as tailors producing traditional Kurdish clothing. At year's end their whereabouts were unknown.

Other Societal Abuses and Discrimination.—There were no reports of violence or discrimination against persons with HIV/AIDS. However, there was a belief among human rights activists that the extent of the problem was widely underreported.

The law criminalizes homosexuality.

Section 6. Worker Rights

a. The Right of Association.—While the constitution provides for the right of association and to form unions, in practice workers were not free to establish unions independent of the Government. Foreign workers, according to a 2008 International Trade Union Confederation (ITUC) survey, may join the union representing their profession but may not stand for election to union offices. The ITUC report also stated that while the law does not prohibit labor strikes, they are severely restricted by threat of punishment and fines. All unions belonged to the General Federation of Trade Unions (GFTU), which was dominated by Ba'ath Party members and was part of the Government's bureaucratic structure. The GFTU advised the Government on legislation, organized workers, and formulated rules for various member unions, effectively controlling nearly all aspects of union activity. Union elections were generally free of direct, overt GFTU interference; however, successful campaigns usually required membership in the Ba'ath Party. The GFTU President was a senior member of the Ba'ath Party, and he and his deputy could attend cabinet meetings on economic affairs. According to the government-published 2007 Statistical Abstract, there were 204 trade unions filling the ranks of the GFTU with a collective membership of 808,419 workers. This represents less than one third of the total labor force. Additionally, in 2007 there were 5,622 agricultural cooperatives with 994,820 members; 101 passenger transport cooperatives with 38,269 members; and 24 transport services cooperatives with 9,561 members.

By the end of the year, there were no reports that any individual union, the GFTU, or any cooperatives had exercised their right to collective bargaining. Additionally, there were no reports of strikes at the end of the year.

The law does not prohibit strikes; however, previous government crackdowns, including fines and prison sentences, deterred workers from striking. Forced labor was imposed on individuals who caused "prejudice to the general production plan."

On February 26, security authorities in Qamishli reportedly arrested Kurdish unionist Jan Ahmad Rasool for critical comments made during a speech at a February 24 union meeting. Rasool was elected as an "independent" to a leadership role in the local Foodstuff and Tourism Union in 2007.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively; however, this right does not exist in practice as the unions were effectively led by Ba'ath Party officials closely tied to the Government. Government representatives were part of the bargaining process in the public sector. Public sector unions did not normally bargain collectively on wage issues, but union representatives participated with representatives of employers from the government-affiliated Chambers of Industry and Commerce and the supervising ministry in establishing minimum wages, hours, and conditions of employment in the private sector. Workers served on the boards of directors of public enterprises, and union representatives were included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the Government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and are able to ask for binding arbitration. In practice labor and management representatives settled most disputes without resort to legal remedies or arbitration. Management has the right to request arbitration, but that right seldom was exercised. Arbitration authority is vested in the Ministry of Justice's Administrative Petition Court. In practice this court did little more than certify agreements and had almost no role in arbitrating disputes, since such disputes did not occur with any regularity.

There were no reports of antiunion discrimination. Since the unions were part of the Government's bureaucratic structure, the law protects union members from such discrimination.

There were no unions in the seven free trade zones (FTZs). Firms in the zones were exempt from the laws and regulations governing hiring and firing, although

they were required to observe some provisions on health, safety, hours, and sick and annual leave. Ninety percent of the workers in the FTZs were citizens.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit all forms of forced or compulsory labor and the problem existed. The Governments of Sri Lanka and the Philippines banned their citizens from taking employment as domestic workers in the country because of abuses and the lack of a mechanism to protect the rights of their citizens.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor law provides for the protection of children from exploitation in the workplace, and independent information and audits regarding government enforcement were not available.

The private-sector minimum age for employment is 15 years for most types of nonagricultural labor and 18 years for heavy work. Working hours for youths of legal age are set at six hours per day. According to the law, youths are not allowed to work during night shifts, weekends, or on official holidays. In all cases parental permission is required for children under the age of 16 to work. The majority of children under age 16 who worked did so for their parents in the agricultural sector without remuneration. While the law prohibits children from working at night, it applies only to children who work for a salary. Those who work in family businesses and who are technically not paid a salary—a common occurrence—do not fall under the law. Children under age 15 are prohibited by law from working in mines, at petroleum sites, or in other dangerous areas. Children are not allowed to lift, carry, or drag heavy objects.

According to a February 2007 report by the Arab Council for Childhood and Development, the total number of citizen children who performed “tough jobs in unhealthy working conditions” was more than 600,000. Also, there was evidence that children engaged in some of the worst forms of child labor during the year, including forced labor and prostitution. The Government, however, did little to address the problem. In 2006 the minister of social affairs and labor stated that most children who worked did so seasonally and for limited amounts of time.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18; however, there were too few inspectors to ensure compliance with the laws. The Labor Inspection Department performed unannounced spot checks of employers on a daily basis to enforce the law, but the scope of these checks was unknown.

e. Acceptable Conditions of Work.—The minimum wage was 6,110 pounds (\$131.40) per month, plus benefits, including compensation for meals, uniforms, and transportation. The minimum wage did not provide a decent standard of living for a worker and family; however, private-sector companies usually paid much higher wages than the minimum. Also, many workers in both the public- and private-sectors took additional jobs or were supported by their extended families.

The labor and social affairs minister was responsible for enforcing minimum wage.

The public sector work week was 35 hours; the private sector’s was 48 hours. Workers were guaranteed one 30-minute lunch break per day at minimum, although anecdotal evidence suggested that many workers enjoyed longer lunch breaks and short, informal breaks during the day. Premium pay exists for overtime worked, and a prohibition on excessive compulsory overtime exists in several sectors.

Officials from the Ministries of Health and Labor were designated to inspect work sites for compliance with health and safety standards; however, such inspections were sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas was more lax than in urban areas, where there were a larger number of inspectors. Workers may lodge complaints about health and safety conditions with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment. There is no legal framework governing relations between domestic workers and their employers, and the Government did not educate employers or workers on the rights of domestic workers. The law provides protection for foreign workers who reside legally in the country but not for the unknown number of illegal workers in the country.

TUNISIA

Tunisia is a constitutional republic with a population of approximately 10 million, dominated by a single political party, the Democratic Constitutional Rally (RCD).

Zine El Abidine Ben Ali has been the President since 1987. The international community generally did not consider the 2004 Presidential election to be free and fair. President Ben Ali ran against three opposition candidates and was declared the winner with approximately 94 percent of the popular vote. In concurrent elections for the Chamber of Deputies, the RCD won 152 of the 189 seats. During the year the indirect elections for some members of the Chamber of Advisors, the upper house of parliament, resulted in a heavily pro-RCD body. The civilian authorities generally maintained effective control of the security forces.

There were significant limitations on citizens' right to change their government. Local and international nongovernmental organizations (NGOs) reported that security forces tortured and physically abused prisoners and detainees and arbitrarily arrested and detained individuals. Security forces acted with impunity sanctioned by high-ranking officials. There were also reports of lengthy pretrial and incommunicado detention. The Government infringed on citizens' privacy rights and continued to impose severe restrictions on freedoms of speech, press, assembly, and association. The Government remained intolerant of public criticism, and there were widespread reports that it used intimidation, criminal investigations, the judicial system, arbitrary arrests, residential restrictions, and travel controls to discourage criticism by human rights and opposition activists. Media freedom was severely restricted during the year and corruption was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed demonstrators during the year.

On May 6, according to domestic NGOs, protestor Hichem Alaimi was fatally electrocuted at a power station in Redeyef when local officials proceeded to restore power to the station, although Alaimi and others refused to let go of the cables after alleged warnings by officials that power would be restored. Protestors had temporarily shut down the generator during a sit-in protesting unemployment. Two other protestors were non-fatally electrocuted.

On June 6, security forces shot and killed Hafnaoui Al-Maghzaoui during an unemployment protest in Redeyef. Security forces also shot Abdelkhalak Amaidi, who died on September 13 due to complications resulting from the wound. Government officials claimed that protestors threw Molotov cocktails at security forces, prompting them to open fire; however, local civil society leaders maintained that the protest was peaceful and that security forces began firing without warning. At year's end there was an investigation into the circumstances of the shootings, but no charges had been filed.

There were no developments in the 2006 case of Tarek Ayari, allegedly killed by Bechir Rahali, a Tunis police chief, who hit the victim on the head with the handle of a pickaxe.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, according to human rights organizations, security forces tortured detainees to elicit confessions and discourage resistance. Reported abuses included sexual abuse; sleep deprivation; electric shock; death threats; submersion of the head in water; beatings with hands, sticks, and police batons; suspension, sometimes manacled, from cell doors and rods resulting in loss of consciousness; and cigarette burns. According to international human rights groups, on occasion, police and prison officials used threatened and actual sexual assault against prisoners' wives and daughters to extract information, intimidate, and punish.

Charges of torture in specific cases were difficult to prove, and authorities generally did not take steps to investigate allegations or punish perpetrators. There were several allegations that authorities often denied victims of torture access to medical care until evidence of abuse disappeared. The Government maintained that it investigated all complaints of torture and mistreatment filed with the prosecutor's office and noted that alleged victims sometimes accused police of torture without filing a complaint, a prerequisite for an investigation. However, according to defense attorneys and local and international human rights groups, police routinely refused to register complaints. In addition, judges dismissed complaints without investigation and accepted as evidence confessions allegedly extracted through torture. The Government can open an administrative investigation of allegations of torture or

mistreatment of prisoners without a formal complaint; however, in those cases the results were not made public or available to the lawyers of affected prisoners.

Consistent with an effort to extract information or coerce confessions, reports of torture were more frequently associated with the initial phases of interrogation/investigation and in pretrial detention centers more than prisons. Human rights activists, citing prisoner accounts, identified facilities at the Ministry of Interior (MOI) as the most common location for torture. Political prisoners, Islamists, and persons detained on terrorist-related charges allegedly received harsher treatment than other prisoners and detainees.

Defense attorneys for protestors arrested during the January to June unemployment protests in the southwestern region of Tunisia allege that their clients were tortured while in police custody but have not been able to obtain court-ordered medical exams to prove their charges.

According to local NGO, Freedom and Equity, Gafsa prison guards raped Wahid Brahmi, sentenced to two years and four months in prison on charges of spreading false information, during his incarceration beginning on February 12. The guards threatened reprisals if Brahmi told his family what happened to him. Brahmi made several complaints to the head of the prison, but his complaints were dismissed, and authorities transferred him to Mornaguia Prison. At year's end Brahmi remained in prison.

On July 25, security forces arrested Zakia Dhifaoui, a teacher, journalist, and member of the opposition Democratic Forum for Freedom and Labor (FDTL), after she took part in a demonstration in Redeyef. On September 15, a court sentenced her to four-and-a-half months in prison on charges of participating in an illegal demonstration. During her trial, Dhifaoui told the judge she was harassed by security officials. Authorities granted her early release on November 4, and upon her release, Dhifaoui told the international press that she had been raped by prison officials while incarcerated.

On January 16, the Tunis Court of First Instance acquitted and released Oualid Layouni after he had been detained at Mornaguia Prison since January 2007. There was no investigation of his allegations that officials hit him on the head and body, confined him to a small space without natural light or aeration, and subjected him to sleep deprivation.

On May 23, the Court of Cassation confirmed the convictions on terrorism charges of Ramzi el Aifi, Ousama Abbadi, and Mahdi Ben Elhaj Ali, sentenced to life, 30 years, and eight years in prison, respectively. There was no investigation into the men's November 2007 allegations of torture, including Aifi's claim that officials inserted a stick into his anus, and the men remained in prison at year's end.

There were no developments in the December 2007 case of 30 citizens who alleged torture by security forces, or the 2006 case of Aymen Ben Belgacem Dridi who reported that security forces beat, kicked, and subjected him to falka (beatings on the soles of the feet) in the Borj el-Roumi prison.

On May 23, the Court of Cassation upheld Mohamed Amine Jaziri's 30-year sentence. He was arrested in 2006 on terrorist-related charges. From 2006 to January 2007 authorities reportedly blindfolded, bound, and beat him with electric cables. At year's end he remained in prison, and there had been no public investigation of his allegations.

Police assaulted human rights and opposition activists throughout the year.

On February 18, according to the Committee for the Respect of Freedom and Human Rights in Tunisia (CRLDHT), security forces assaulted CRLDHT Secretary General Fatma Ksila and Tunisian Association for Combating Terrorism (ATLT) member Samia Abbou and prevented them from meeting with torture victims' families. The officers allegedly hit Ksila and Abbou repeatedly, abused them verbally, and confiscated their cash, a camera, and a tape recorder.

On April 17, security forces assaulted a member of the opposition Progressive Democratic Party (PDP) while she was selling copies of the PDP's Arabic weekly in central Tunis.

On June 18, according to an Agence France-Presse report, four security officers attacked and kicked Hama Hammami, a member of an unregistered political party, in front of his 9-year-old daughter as he was leaving his home.

There were no developments in the June 2007 case of regional union leader Khaled Barhoumi, reportedly attacked by police during a protest; the August 2007 case of Aymen Rezgui, assaulted by police as he was leaving a PDP press conference; or the 2006 case of lawyers Ayachi Hammami, Abderraouf Ayadi, and Abderrazak Kilani, reportedly assaulted while they were staging a three-week sit-in to protest a new law creating a government-controlled training institute for lawyers.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards. Overcrowding and limited medical care posed a significant threat to prisoners' health. During the year there were credible reports that authorities sometimes denied injured or sick prisoners prompt access to medical care. The Government permits the International Committee of the Red Cross (ICRC) access to prisons, but not other independent human rights observers.

According to human rights organizations, prison conditions in the country continued to fall short of minimum adequate standards. Hygiene was extremely poor, and prisoners rarely had access to showers and washing facilities. Sources reported that 40 to 50 prisoners were typically confined to a single 194-square-foot cell, and up to 140 prisoners shared a 323-square-foot cell. Most prisoners were forced to share beds or sleep on the floor. Current and former prisoners reported that lack of basic facilities forced inmates to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems. Contagious diseases, particularly scabies, were widespread, and prisoners did not have access to adequate medical care. Additional discriminatory and arbitrary measures such as restrictions on family visits worsened the conditions for detainees, particularly when prisoners sought redress for grievances about treatment and conditions.

According to domestic and international human rights organizations, from April to May, Sfax prison officials denied journalist Slim Boukhdhir access to a shower for six weeks. As a result, he developed scabies, and for a time prison officials withheld medication. In addition, on May 27, an inmate threatened to stab Boukhdhir, and guards near his cell did not respond to his repeated calls for help.

According to international NGOs, on November 11, prison officials at Mornaguia Prison refused to give former prisoner Ridha Boukadi, who suffered from kidney problems, his medical file. President Ben Ali granted Boukadi conditional release on November 4 after more than a decade in prison.

On April 5 and April 20, security forces allegedly beat Adnan Hajji, and also extinguished lit cigarettes on his skin. On December 11, a court in Gafsa sentenced Hajji to ten years in prison on charges of forming a criminal group with the intent of destroying public and private property, leading an armed rebellion, and assault on officials during the exercise of their duties.

Political prisoners were separated from the general prison population and were under the authority of security forces working for the Department of State Security in the MOI and Local Development instead of Ministry of Justice (MOJ) officials. Other inmates were instructed to stay away from political prisoners and were punished severely for making contact with them. In addition, Human Rights Watch (HRW) reported that the Government continued to keep some political prisoners, most of whom were outlawed Islamist party Al-Nahdha leaders in small-group isolation; however, the Government released the remaining al-Nahdha prisoners on November 4. Former Al-Nahdha President Sadok Chourou, one of those released on November 4, was subsequently rearrested on December 3, shortly after giving an interview to the London-based satellite television station Al-Hiwar. He was sentenced to one year in prison for membership in an unauthorized organization on December 13.

According to prisoner and detainee testimony, prison conditions for women were generally better than those for men. On July 23, the Government passed a law mandating that prisons have separate areas for pregnant women and nursing mothers. The law also reduced the period of time infants and toddlers are allowed to reside with their mothers from three years to one. The law requires that pretrial detainees be held separately from convicted prisoners, but in practice they were not always separate.

The ICRC continued to visit detainees in prisons and detention facilities in the country. Per ICRC standard modalities, its observations and recommendations were shared on a confidential and bilateral basis with the authorities. The Government did not permit media to inspect or monitor prison conditions.

The Governmental Higher Commission on Human Rights and Civil Liberties (HCHR) continued to make unannounced prison visits and inspections of MOJ facilities during the year; however, the HCHR's reports were not made public.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but the Government did not observe these prohibitions.

Role of the Police and Security Apparatus.—The MOI controls several law enforcement organizations including the police, who have primary responsibility within the major cities; the National Guard, which has responsibility for border security and policing smaller cities and the countryside; and state security forces, which monitor groups and individuals that the Government considers to be a threat, such as opposition parties and leaders, the media, Islamists, and human rights activists.

In general law enforcement groups were disciplined, organized, and effective; however, incidents of petty corruption and police brutality took place. Law enforcement organizations operated with impunity sanctioned by high-ranking officials. Police attacked dissidents and oppositionists.

The MOI's Higher Institute of Internal Security Forces and Customs has oversight of law enforcement officers in the ministries of interior and customs. The organization's stated mission was to reinforce human rights and improve law enforcement; however, no information was available about its operations, and no information was available about any punishment of police and prison guards.

Arrest and Detention.—The law provides that the police must have a warrant to arrest a suspect, unless the crime committed is a felony or is in progress; however, arbitrary arrests and detentions occurred. The penal code permits detention for up to six days prior to arraignment, during which time the Government may hold suspects incommunicado. This requirement, however, was not always observed. For example, a 2007 National Council for Freedom and Labor (CNLT) report documented 24 cases in which the six-day pre-arraignment detention reportedly was exceeded. Arresting officers are required to inform detainees of their rights, immediately inform detainees' families of the arrest, and make a complete record of the times and dates of such notifications, but those rules were sometimes ignored. Detainees were allowed access to family members when they were not being held incommunicado, although the Government did not always facilitate the efforts of family members to identify the whereabouts of their detained relatives.

Detainees have the right to know the grounds of their arrest before questioning and may request a medical examination. They do not have a right to legal representation during the pre-arraignment detention. Attorneys, human rights monitors, and former detainees maintained that authorities illegally extended detainment by falsifying arrest dates. Police reportedly extorted money from families of innocent detainees in exchange for dropping charges against them.

The law permits the release of accused persons on bail, and detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him to pretrial detention.

In cases involving crimes for which the sentence may exceed five years or that involve national security, pretrial detention may last an initial period of six months and may be extended by court order for two additional four-month periods. For crimes in which the sentence may not exceed five years, the court may extend the initial six-month pretrial detention by an additional three months only. During this pretrial stage, the court conducts an investigation, hears arguments, and accepts evidence and motions from both parties. Complaints of prolonged pretrial detention were common.

On June 25, according to Amnesty International (AI), police arrested Zied Fakraoui but failed to notify his family of his whereabouts until July 2 when local government officials told Fakraoui's lawyers that he had been brought before an investigating magistrate without the presence of counsel. At year's end Fakraoui was believed to still be in custody.

On August 27, police arrested International Association for the Support of Political Prisoners (AISPP) member Tarek Soussi shortly after his interview with Al-Jazeera regarding several recent arrests. He was charged with spreading false news likely to disturb public order. According to Reporters Without Borders (RWB), security forces did not present a warrant at the time of Soussi's arrest and posed as electric company employees to gain entrance to his home. Soussi was released on September 25, following a ruling by the Bizerte Court of Appeals. At year's end no court date had been set.

There were no developments in the May 2007 case of founding AISPP member Lassaad Jouhri, reportedly detained by police for approximately 12 hours and questioned on his plans to accompany international NGOs Human Rights First (HRF) and Frontline to El Kef prison.

According to international and domestic human rights organizations, police arrested individuals (more than one thousand since late 2006) following security operations to disrupt an armed cell that was plotting to carry out terrorist attacks. Families made inquiries about the individuals, but authorities provided no information. Local and international groups have expressed concern that authorities held the arrested in incommunicado detention at the MOI State Security Department, where they would be at risk of torture and other ill-treatment.

Although 30 suspects charged with plotting against state security were convicted, the total number of those in pretrial detention is unknown.

Amnesty.—The Government did not grant amnesty during the year; however, judges sometimes exercised their authority to release prisoners or suspend their sentences in favor of conditional parole.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the executive branch and the President strongly influenced judicial procedures, particularly in political cases. The executive branch exercised indirect authority over the judiciary through the appointment, assignment, tenure, and transfer of judges, rendering the system susceptible to pressure. The President headed the Supreme Council of Judges, composed primarily of Presidential appointees.

The law provides citizens legal recourse to an administrative tribunal to address grievances against government ministries, although officials rarely respected the tribunal's nonbinding decisions. The Government permitted observers from diplomatic missions and foreign journalists to monitor trials. Observers may be allowed to attend sessions of military tribunals at the court's discretion.

The training institute for lawyers that President Ben Ali signed into law in 2006 became operational in October. Once it was granted a management role, the Tunisian Bar Association no longer opposed the creation of the institute; previously it argued that the institute would undermine judicial independence by giving the Government control of those admitted to the bar.

The civil court system is a three-tiered hierarchy. At the first level, there are 51 district courts, in which a single judge hears each case. At the second level there are 24 courts of first instance, which serve as the appellate courts for the district courts but also have original jurisdiction for more serious cases. The Court of Cassation (or Supreme Court) serves as the final court of appeals. The Supreme Court considers only arguments pertaining to points of law. The organization of the criminal court system is similar to that of the civil court system. In most cases the presiding judge or a panel of judges dominates a trial, and attorneys have little opportunity to participate substantively.

Military courts fall under the Ministry of Defense. Military tribunals have the authority to try cases involving military personnel and civilians accused of national security crimes. Defendants may appeal the military tribunal's verdict to the civilian Supreme Court. In 2007, according to AI, the military courts sentenced at least 15 civilians to up to 10 years' imprisonment.

There is also an administrative tribunal, which hears administrative cases between citizens and the Government.

Trial Procedures.—The law extends the same trial procedure rights to all citizens, and it provides for the right to a fair trial; however, according to international and domestic NGOs, this did not often occur in practice.

Trials in the regular courts of first instance and in the courts of appeal are open to the public. By law the accused has the right to be present at trial, to be represented by counsel (provided at public expense for the indigent), and to question witnesses; however, judges did not always observe these rights in practice. The law permits the trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts.

The law provides that defendants are presumed innocent until proven guilty; however, that presumption was sometimes ignored in practice, especially in politically sensitive cases. Defendants may request a different judge if they believe the assigned one is not impartial; however, judges are not required to recuse themselves. Juries are not used.

Lengthy trial delays remained a problem. Defendants do not have the right to a speedy trial, nor is there any time limit on cases. Defense lawyers claimed that judges sometimes refused to let them call witnesses on their clients' behalf or to question key government witnesses. Defense lawyers contended that the courts often failed to grant adequate notice of trial dates or allow time to prepare their cases. There were reports that judges restricted access to court records and evidence, especially to that held by the Government, and in some cases required all the lawyers working on a case to examine documents together on a single date in judges' chambers, without allowing them to copy relevant documents.

Lawyers and human rights organizations reported that courts routinely failed to investigate allegations of torture and mistreatment and accepted as evidence confessions extracted through torture. These groups also reported that the summary nature of court sessions sometimes prevented reasoned deliberation and that erratic court schedules and procedures deterred observers of political trials.

Although family and inheritance law is codified, civil law judges were known to apply Shari'a (Islamic law) in family cases if the two systems conflicted. Some families avoided the application of Shari'a inheritance rules by executing sales contracts

between parents and children to ensure that daughters received shares of property equal to that of sons.

Political Prisoners and Detainees.—The number of political prisoners remained unknown. Human rights organizations alleged that the Government had arrested and imprisoned approximately 2,000 persons since 2005 without sufficient evidence that they had committed or planned to commit terrorist acts. Human rights activists and lawyers alleged that many of these detainees were tortured in MOI facilities and forced to sign confessions under duress.

All remaining Al-Nahdha leaders in prison were pardoned, however one was subsequently re-arrested soon after his release.

Former political prisoners stated that upon their release, officials failed to give them their identification cards, marked their identification cards in a specific way, or denied them the certificate attesting that they had served their sentences and were permitted to work. They also reported being closely monitored by both uniformed and plainclothes police.

The ICRC and the HCHR had access to political prisoners in Ministry of Justice-controlled prisons and detention facilities.

Civil Judicial Procedures and Remedies.—While a court system existed through which a human rights complaint could be made, the judiciary was not independent and impartial in cases involving human rights violations when the Government was involved. Administrative remedies were available through the Office of the Ombudsman at the Presidency or the Administrative Court under the Prime Ministry. However, decisions taken by these institutions were not binding and were often ignored by other government departments and agencies.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions “except in exceptional cases defined by law;” however, the Government generally did not respect these prohibitions in practice. Police sometimes ignored the requirement to have a warrant before conducting searches if authorities considered state security to be involved. Domestic NGOs and civil society activists reported that members of the security forces entered their offices when they were not present and searched without a warrant.

Authorities may invoke state security to justify telephone surveillance. According to numerous reports by NGOs and the news media, the Government intercepted faxes and e-mails. The law does not explicitly authorize these activities, but the Government stated that the code of criminal procedure implicitly gives investigating magistrates such authority. Opposition political activists experienced frequent and sometimes extended interruptions of service to home and business telephones, faxes, and the Internet. Human rights activists accused the Government of using the postal code, with its broad and undefined prohibition against mail that threatens the public order, to interfere with their correspondence and interrupt the delivery of foreign publications. Authorities reportedly opened and read letters, many of which never reached the recipients. Security forces routinely monitored the activities, telephone, and Internet exchanges of opposition, Islamist, and human rights activists, as well as journalists, and placed some under surveillance.

Human rights activists claimed that the Government punished family members of Islamist activists by denying them jobs, educational opportunities, business licenses, and travel due to their relatives’ activism. Police also subjected relatives to surveillance and questioning. For example, during the week of April 13, according to RWB, two security officers threatened the family of journalist Taoufik Ben Brik.

Human rights activists reported that the Government made it difficult for released prisoners suspected of Al-Nahdha membership to find employment. Other released political prisoners found it hard to get MOI statements that they had no criminal records, and even when not imprisoned, political activists and Islamists had their identification cards confiscated, which created problems with receiving health care, signing a lease, buying or driving a car, and accessing bank accounts and pensions. Police may demand identification cards at any time and may detain those unable to produce their cards until police establish their identity. AISPP member Lasaad Johri has not had an identification card since 1999.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for limited freedom of speech and of the press; however, the Government generally did not respect these rights in practice. The Government restricted press freedom and severely intimidated journalists, editors, and publishers into practicing self-censorship. Security forces closely monitored both foreign and domestic press activity.

Individuals were not free to criticize the Government without fear of reprisal, and the Government restricted some types of speech. The law prohibits individuals from

discussing national politics on foreign radio or television channels during the two weeks prior to national elections, with up to a 25,000 dinar (approximately \$20,833) fine per offense. Security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists. The Government also attempted to prevent private meetings with foreign diplomats and to influence public meetings by surrounding meeting places with scores of plainclothes policemen.

On January 14, police arrested comedian Hedi Ouled Baballah for alleged possession of cannabis and counterfeiting, shortly after he performed a satirical comedy sketch about President Ben Ali. Baballah denied the charges against him and domestic and international NGOs alleged that he was framed, noting that in March 2007, after he performed a similar sketch, police arrested, beat, and detained him in Bouchoucha detention center for several days. On February 4, a court sentenced him to one year in prison and a 1,000 dinar (approximately \$833) fine for "possession of a category B drug;" however, on March 20, President Ben Ali granted Baballah an early release.

The Government does not require licensing of print media; however, it rigidly controls print media through a publishing permit process. Print media must request a copyright registration from the MOI, which issues a receipt that constitutes an official permit to publish valid for one year. The Press Code requires that the receipt be issued before printing, effectively prohibiting any unlicensed publications. The code also requires the publisher to inform the MOI of any change of printer. Printers and publishers violating these rules are subject to substantial, per copy, personal fines under the Press Code.

CNLT produced the on-line newspaper/magazine *Kalima* without a license, but it was accessible only from outside the country. On April 26, the CNLT made its fifth attempt to register *Kalima*, but government officials refused to acknowledge their application had been received. International human rights NGOs alleged that the Government refused registration of *Kalima* due to its commentary critical of the Government. On October 8, the *Kalima* Web site was hacked and its archives destroyed. Previously, in May 2007 between 30 and 60 plainclothes policemen reportedly blocked the entrance to *Kalima's* offices for more than six weeks, beginning shortly after *Kalima's* representatives met with members of international NGOs Frontline International and HRF.

On November 13, the assistant general prosecutor summoned the Secretary General of the opposition FDTL to answer questions about an October 22 editorial in FDTL's Arabic weekly *Mouatinoun*. The editorial accused government officials of ordering the destruction of *Kalima's* Web site. Government officials also removed the *Mouatinoun* edition in question from newsstands.

The Government stated that there were 950 foreign publications and newspapers distributed in the country and that 90 percent of domestic newspapers were "privately owned and editorially independent." However, two of the eight mainstream dailies were government owned, two were owned by the ruling party, and two, although nominally private, reportedly took editorial direction from senior government officials. All media were subject to significant governmental pressure over subject matter. There were seven opposition party newspapers with small circulations. Five of them received government subsidies under a law providing government financing to papers representing opposition parties with seats in parliament.

Broadcast media are controlled by the granting or denial of a frequency by the Tunisian Frequencies Agency, a part of the Ministry of Communications Technologies. These licenses, or acceptance of the application, are tightly restricted.

Government regulations required foreign correspondents to obtain written approval before video recording in public. The Government controlled the satellite transmissions of local correspondents reporting for foreign television stations by refusing to license correspondents and insisting all correspondents use government-owned facilities for satellite uplinks.

There were widespread reports that the Government impeded most criticism in the mainstream press and that it harassed, arrested, and abused journalists during the year, especially those active in opposition activities. The Government cited preserving public order as grounds to suppress criticism and used defamation laws to prosecute journalists however, journalists most often faced charges of unrelated offenses (such as counterfeiting), often by private parties. The law authorizes sentences up to five years in prison for offensive statements against the President and up to three years for defamation of constitutional bodies, including the Chamber of Deputies, Chamber of Advisors, constitutional councils, the administration, government members, or deputies.

As a result of his coverage of the January to June unemployment protests in southwestern Tunisia for the private television station *al-Hiwar Attounsi*, journalist

Fahem Boukadous was sentenced on December 11 in absentia to six years in prison on charges of disseminating information that might disturb public order and belonging to a criminal organization.

On March 3, security forces assaulted human rights journalist Sihem Bensedrine and her husband Omar Mestiri, both members of the CNLT, upon their arrival at the port of La Goulette. They were held for six hours, and Bensedrine's arm was injured in the assault. Plainclothes officers confiscated several documents, which were not returned. On August 19, according to RWB, security officers prevented Bensedrine from boarding a flight to Europe. According to the International Freedom of Expression Exchange (IFEX), the officers were physically and verbally abusive and pushed her to the floor. At year's end there was no known investigation into the allegations.

On July 4, former PDP Secretary General Nejib Chebbi was questioned on charges relating to defamation of the judicial system. The charges stem from an editorial in the May 9 edition of the PDP's Arabic weekly *al-Mowqif*. At year's end the case was ongoing.

On June 6, according to RWB, security forces detained Mouwatinoun reporter Hedi Raddaoui for 36 hours after he attempted to photograph demonstrators injured by security forces during a protest in the mining town of Redeyef.

On November 24, police arrested reporter Fatine Al-Hamdi in Tunis, reportedly hitting her with a baton and dragging her by the hair. Police detained and interrogated her for four hours at the Sidi Bachir police station, reportedly in connection with her employer, the unregistered Internet radio station called Radio Kalima.

There were no developments in the March 2007 case of journalist and press freedom advocate Mohamed Fourati, sentenced in absentia to 14 months in prison for membership in the unauthorized Al-Nahdha party. Fourati previously helped edit the opposition newspaper *al-Mowqif* and authored several articles critical of the Government.

There were no developments in the April, June, or September 2007 incidents in which police reportedly assaulted journalists Lotfi Hajji and Aymen Rezki and forcibly prevented Hajji from entering PDP offices.

In June 2007 authorities added 26 months to the internal exile of journalist Abdullah Zouari, who once worked for *Al-Fajr*, the weekly newspaper of the Al-Nahdha party. Zouari has remained under administrative control and in internal exile since 2004. According to RWB, no explanation was given for the extension, which continued at year's end.

On July 21, authorities granted an early release from prison to journalist Slim Boukhdhir, sentenced in December 2007 to one year in prison for "aggression against a public employee," "violation of public morality standards," and "refusal to present identity papers to police." However, on September 20, according to RWB, plainclothes police officers abducted, detained, and threatened Boukhdhir for several hours. Boukhdhir told the Committee to Protect Journalists (CPJ) that he believed the incident was prompted by his recent article urging President Ben Ali to loosen the Government's hold on civil society. The Government reportedly continued to refuse Boukhdhir a press card.

On December 11, a court sentenced journalist Fahem Boukadous in absentia to six years in prison on charges of disseminating information that might disturb public order and belonging to a criminal organization. In November 2007 authorities arrested Boukadous and a colleague working for the private television station *al-Hiwar*, where they were covering a labor union meeting.

There were no developments in the 2006 case of opposition political leader Moncef Marzouki, charged with "threatening to disturb the public order" following appearances on *Al-Jazeera* in which he criticized the Government and called for civil disobedience. Marzouki departed the country before his case was heard by the court.

The law prohibits censorship of local newspapers, magazines, and books; however, the Government continued to censor international media. For example, it banned the October 30 issue of French weekly *L'Express Internationale*. The edition carried six articles on Islam and Christianity. Furthermore, self-censorship and obvious government interference continued.

The Government routinely seized and prevented distribution of domestic newspapers when it found articles or photos contrary to government policies. For example, authorities reportedly suppressed the March 14, March 21, and April 4 editions of the opposition weekly *al-Mowqif*, which carried articles on possible increases in the state-controlled prices of semolina and bread, governmental corruption, and the possibility of unsafe cooking oil on the domestic market, respectively.

According to many journalists and non-journalist sources, senior government officials routinely called news directors and editors to inform them which issues they were forbidden to cover or publish and to direct editorial content and news coverage.

The Government also often pressured newspapers to carry the Government wire service's version of an event, even when their own journalists were present. The Tunisian Agency for External Communications enforced these informal censorship mechanisms by favoring certain publications for placement of government advertising. In addition, private companies were unwilling to advertise in newspapers no longer receiving government advertisements to avoid the appearance of siding with a media organization being punished by the Government.

Directors and owners of existing private media, as well as journalists at the government- and ruling party-owned press, practiced a high degree of self-censorship. Journalists in the mainstream press regularly refrained from investigative reporting on national issues. Only the small opposition press reported regularly on controversial national issues.

The law stipulates that the publication, introduction, and circulation of foreign works may be restricted. The MOI required book fair publishing representatives to deposit publication titles in advance; it rejected many titles from the display list for the April 25-May 4 book fair. Authorities also restricted the timely purchase of foreign publications that included articles deemed critical of the country or that the Government determined could prompt a security threat.

Internet Freedom.—The law allows the Government to block or censor Internet content deemed obscene or content threatening public order, defined as “incitement to hate, violence, terrorism, and all forms of discrimination and bigoted behavior that violate the integrity and dignity of the human person, or are prejudicial to children and adolescents.” However, the Government blocked access to a wide variety of Internet sites during the year. There were also reports that the Government monitored Internet usage and communications.

According to the 2007 OpenNet Initiative (ONI) country profile, there were approximately one million Internet users in the country.

In June the Government unblocked the Web sites of HRW and AI. From August 18 to September 1, the Government blocked Facebook but unblocked it after President Ben Ali intervened. However, the Government blocked nearly all sites belonging to domestic human rights, opposition, and Islamist groups, including discussion sites. Opposition news sites and Internet discussion sites were periodically blocked throughout the year. Some foreign Web sites remained blocked at year's end, including RWB's site and YouTube. According to RWB, the *Journaliste Tunisien* blog was blocked on October 23, one day after it posted RWB's 2008 Press Freedom Index.

The 2007 ONI report indicated that the Government pervasively blocked Web sites of political opposition groups, opposition news, human rights groups, and some sites allegedly critical of the Koran and Islam. According to ONI, the Government used a commercial software program loaded onto government-controlled servers to block sites consistently on the country's 12 Internet service providers (ISPs). In addition to filtering software, the Government reportedly used regulatory means and surveillance to monitor and control Internet usage.

The AISPP reported that authorities continued to arrest individuals for visiting Web sites that the Government associated with terrorism and detained them without proper legal procedures or sufficient evidence of commission of a crime.

The law requires all ISPs to obtain a license from the Ministry of Communications Technologies. Each ISP must submit, monthly, a list of its subscribers to the quasi-governmental Tunisian Internet Agency (ATI). Internet users and those who maintain Web sites and servers are also responsible for infractions of the law.

Academic Freedom and Cultural Events.—The Government limited academic freedom and fostered a culture of self-censorship in universities. The Government closely monitored administrators, teachers, and students to identify any political activity. Both uniformed and plainclothes police maintained a significant presence on university campuses and discouraged students from openly expressing dissent.

Authorities subjected academic publications to government approval before publication, and university libraries did not purchase foreign books or subscribe to foreign magazines deemed critical of the Government. Close government control over academic research funds prevented university administrators from authorizing or applying for grants on research topics that they believed the Government would find objectionable. Professors avoided teaching classes on subjects considered sensitive, such as legal courses on political systems, comparative politics, and classes on civil liberties. University professors often avoided discussion of subjects deemed sensitive enough to interest the Government, and faculty members reported that they were hesitant to gather outside the classroom. Faculty members had to request Ministry of Higher Education approval to hold conferences, submitting conference topics and invitee lists.

A planned conference at a cultural center was cancelled by security forces.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, but the Government severely restricted this right in practice.

Freedom of Assembly.—The law requires groups wishing to hold a public meeting, rally, or march to obtain a permit from the MOI at least three days before the proposed event and to submit a list of participants. Authorities routinely approved permits for groups supporting the Government and generally refused permission for dissenting groups. As in previous years, NGO leaders reported difficulty in renting space to hold large meetings, maintaining that police pressured venue managers to prevent them from renting space. Hotel managers and businesses denied any specific ban on renting space to opposition groups; however, they acknowledged cooperating with the MOI and accommodating its requests when possible.

The Government consistently blocked meetings of the Tunisian Human Rights League (LTDH), whether in its headquarters in Tunis or in regional offices. On January 7 and 8, police reportedly blocked LTDH meetings organized by its steering committee. On June 13, security forces prevented LTDH members from the La Marsa, La Goulette, Ariana, and Le Kram chapters from entering the LTDH headquarters. On December 10, the LTDH attempted to host a reception in honor of the 60th anniversary of the signing of the Universal Declaration of Human Rights (International Human Rights Day); however, security forces allowed only members of the LTDH Executive Bureau to enter the LTDH headquarters and turned all other invitees, both citizens and foreign diplomats, away.

On July 23, the opposition al-Tajdid party attempted to hold a meeting on the unemployment protests in Redeyef and Gafsa. Security forces prevented guests from accessing the conference room, though a few were ultimately allowed access.

On September 20, according to the online magazine Kalima, the FDTL planned to hold a conference regarding elections and the role of the opposition parties. That afternoon, before the conference was scheduled to begin at a private hotel, the hotel owner faxed the FDTL to inform them that he would be unable to accommodate them, citing ongoing construction. An FDTL member asserted that the Government pressured hotel management to cancel the reservation to prevent the FDTL from holding the planned event.

In June 2007 police reportedly blocked the Kairouan regional chapter of the LTDH from accessing the Union Generale Tunisienne du Travail (UGTT) regional office, where the LTDH hoped to commemorate its 30th anniversary; in November 2007 police reportedly blocked a LTDH meeting organized by members of its steering committee; and in August 2007 the Government allegedly pressured hotel management to cancel the PDP's reservation for a summer youth program.

The Government used police and other state security forces to monitor, control, and sometimes break up demonstrations. In general, demonstrators and security forces did not resort to violence; however, there were some exceptions, such as scuffles ensuing from demonstrators' attempts to cross police lines barring access to a demonstration site or demonstrators not dispersing when ordered by police.

Between January and June there were multiple protests in the southwestern mining town of Redeyef. The Government reportedly used violence to break up several unauthorized demonstrations held to protest high levels of unemployment and the cost of living and in support of those arrested or detained during prior protests. Government statements maintained that protestors attacked security forces, who then responded. According to domestic NGOs, however, the protests were peaceful, and the aggressive police response in each case was unprovoked, leaving several people injured.

In 2006 the Government refused to allow several demonstrations to take place. Opposition groups, human rights NGOs, the Tunisian labor union, and students petitioned for permission for multiple demonstrations to protest Israeli actions in Lebanon. Police in Sfax, Gabes, and Kairouan reportedly used violence in breaking up unauthorized demonstrations held in protest against the conflict between Israel and Lebanon in 2006. Also, in 2006, on World Press Freedom Day, plainclothes policemen blocked a planned demonstration supporting press freedom.

Freedom of Association.—The law provides for freedom of association; however, the Government generally did not respect this right in practice. The law requires that new NGOs apply for registration with the Government. If the Government does not reject the application within 90 days, the NGO is automatically registered. The Government routinely blocked registration of new independent NGOs by refusing to provide receipts for their applications. Without such a receipt, NGOs were unable to counter the Government's assertions that they had not applied to register and therefore were not allowed to operate. In such cases NGOs could be shut down, their property seized, and their members prosecuted for "membership in an illegal organi-

zation.” Several protestors in Gafsa were arrested or prosecuted on this charge after they participated in a demonstration against governmental corruption and unemployment.

There were reports that significant numbers of RCD members attempted to join independent NGOs or labor unions with the apparent intent of limiting the organizations’ independence by gaining control through elections or disrupting operations. In February 2007 a court again ruled that the LTDH could not hold its national congress because of a suit filed by seven members of the LTDH allegedly loyal to the RCD.

In 2006 the Government appointed new leaders of the Association of Tunisian Judges (AMT). They implemented measures reducing the number of members serving on the executive board and excluding regional members. The prior leadership was evicted by the Government in 2005.

c. Freedom of Religion.—The law provides for freedom of religion on the condition that it does not disturb public order; however, the Government restricted and abused this right.

Islam is the state religion, and the law stipulates that the President must be a Muslim.

The Government recognizes all Christian and Jewish religious organizations established in the country before independence in 1956. Although it permitted other Christian denominations to operate, the Government formally recognized only the Roman Catholic Church. The Provisional Committee of the Jewish community met weekly and performed religious activities and charity work, although the Government had not granted it permanent registration. The Government regarded the Baha’i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private.

The law provides that only persons appointed by the Government may lead activities in mosques, and the Government paid the salaries of imams. The Government required that mosques remain closed except during prayers and other authorized religious ceremonies, such as marriages or funerals. Authorities instructed imams to espouse governmental, social and economic programs during prayer times in mosques.

The Government required Islamic religious education in public schools. The religious curriculum for secondary school students also included histories of Judaism and Christianity. The Government also allowed Jewish communities to operate private religious schools. Jewish children on the island of Djerba were permitted to divide their academic day between public secular schools and private religious schools.

While it was not illegal to change religions, government officials occasionally discriminated against converts from Islam to another religion using legal and social pressure to discourage conversion. Customary law based on Shari’a forbids Muslim women from marrying outside their religion. The Government required non-Muslim men to convert to Islam before marrying a Muslim woman. The Government did not allow married couples to register their children with non-Muslim names.

The Government prohibits efforts to proselytize Muslims. While authorities did not deport foreigners suspected of proselytizing, the Government did not renew the visas of suspected missionaries. As in the past year there were no reports of official action against persons suspected of proselytizing.

The Government did not permit the establishment of political parties based on religion, and it used this prohibition to continue to refuse to register the Islamist Al-Nahdha party and to prosecute suspected Al-Nahdha members for “membership in an illegal organization.” The Government continued to maintain tight surveillance over Islamists and monitored activity in mosques. According to human rights lawyers, the Government also continued to question individuals observed praying frequently in mosques. Some Christians reported government harassment in the form of surveillance and interrogation.

The Government subjected religious publications to the same restrictions on freedom of speech and the press as secular publications. Christian groups could distribute religious documents only in European languages. Only sanctioned Muslim religious groups could distribute religious documents. In the Government’s view, distribution by other groups constituted an illegal “threat to public order.”

The Government sought to suppress certain outward signs of citizens’ religious practices, such as hijabs on women or beards on men. Authorities characterized the hijab as a “garment of foreign origin having a sectarian connotation” and sought to restrict its use in public institutions. Police continued efforts to eradicate sectarian dress (including the hijab) in official buildings, schools, and universities. During the year authorities detained some women in public places and told them to remove their hijab.

In September, according to domestic NGOs, the head of the Superior Institute of Technology Studies in Sidi Bouzid asked female students to sign statements promising they would not wear the hijab and acknowledging that they understood they would be expelled from the university if they were found wearing the hijab.

During a 2006 meeting of the government-loyal NGO, National Union of Tunisian Women (UNFT), senior UNFT officials demanded that all women in the audience remove their veils, on occasion tugging at their veils and verbally abusing them.

There were no developments in the 2006 case of Abdelhamid Sghaier, fined for demonstrating for the right of female students at a Tunis university to wear the hijab.

Police also reportedly detained and harassed men with what were termed “Islamic” beards, forcing them to shave at a police station or threatening them with arrest unless they returned home immediately to shave. These reports increased in frequency after security operations against alleged Islamist terrorists in 2006 and 2007. According to international NGOs and domestic human rights organizations, following these security operations, police arrested more than one thousand young men on terrorism charges. Human rights groups asserted that some of these arrests may have been targeted at some individuals because of their Islamic appearance, frequent attendance at mosques, or other actions related to their practice of Islam.

There were no reports during the year that any Christians’ passport renewals were delayed as they had been in previous years.

Societal Abuses and Discrimination.—Societal discrimination based on religion continued during the year. Muslims who converted to other religions were often ostracized. The Government cooperated closely with and protected the 1,500-person Jewish population, 900 in Djerba and the remainder in and around Tunis, although Jews faced some discrimination in the media.

Cartoons in some mainstream newspapers used derogatory images of historically stereotypical Jews to portray the state of Israel and Israeli interests. Most of these cartoons were drawn outside of the country and reprinted locally.

In 2006 approximately 100 students at Manouba University near Tunis reportedly shouted anti-Jewish slogans during a ceremony to mark a donation from the late Tunisian Jewish historian Paul Sebag.

The Government promoted anti-bias and tolerance education through a series of lectures regarding religious tolerance. Jewish community leaders reported that the Government actively protected synagogues, particularly during Jewish holidays, paid the salary of the grand rabbi, and partially subsidized restoration and maintenance costs for some synagogues.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, it refused to issue, renew, amend, or accept passports of some dissidents, Islamists, and their relatives. The Government also may impose a five-year period of “administrative control” at sentencing on certain former prisoners that constituted a type of internal exile. The Government generally cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, asylum seekers, and other persons of concern; however, it did not provide protection for such persons; it did not permit the UNHCR access to detention centers; and it had not officially accredited the UNHCR.

The law authorizes the courts to cancel passports and contains broad provisions that both permit passport seizure on national security grounds and deny citizens the right to present their case against seizure or to appeal the judges’ decision. The MOI is required to submit to the courts requests to seize or withhold a citizen’s passport through the public prosecutor; however, the ministry routinely bypassed the public prosecutor with impunity.

Many citizens, particularly journalists, reported difficulty applying for or renewing their passports and accused the Government of blocking their applications solely on the basis of political opposition. Former Al-Nahdha leader Mohamed Sedki Labidi has been deprived of his passport for the last 13 years without a court decision.

On December 10, according to international NGOs, authorities detained human rights lawyer Mohamed Abbou and journalist Lotfi Hidouri at the Tunis airport while they were en route to the Independent Arab Press Forum in Beirut. Authorities told Abbou, who was imprisoned for more than two years for defaming the judicial system and assault, that he needed to provide documentation proving he was

no longer subject to parole restrictions. It was the fifth time since his release that Abbou was prevented from traveling abroad. Police arrested Hidouri at the airport on charges of not paying a 2002 fine and took him to Bouchacha Detention Center. Hidouri was freed on December 11, after providing proof that the fine had already been paid.

According to the constitution, no citizen can be exiled from the country nor prevented from returning; however, the Government used administrative control measures as a type of punitive internal exile. Administrative control measures, which take effect upon a convict's release from prison, are similar to parole restrictions, except that they may be applied to prisoners even after they have completed their sentences. The Government requires those individuals to stay "in the area of their residence," which is determined by the Government and may be anywhere in the country. They also may be required to report to a police station frequently each day at times determined only the previous evening. At the police station, they may be forced to wait hours before they are allowed to sign in, making normal employment impossible. Numerous Islamists released from prison in recent years have been subjected to such punishment.

By law administrative control measures may only be imposed at sentencing; however, a former high school teacher, Nouri Chniti, claimed that, although his sentence did not include administrative control, he has been subject to extrajudicial administrative control measures since 1991 when he received a suspended sentence for membership in Al-Nahdha. Some political opponents in self-imposed exile abroad were prevented from obtaining or renewing their passports to return to the country.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the Government has not established a system for providing protection to refugees or other persons of concern. In practice the Government did not provide protection against the expulsion or return of persons to countries where their lives or freedom would be threatened.

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

There were significant limitations on citizens' right to change their government. The law provides that citizens shall directly elect the President and members of the Chamber of Deputies for five-year terms, but irregularities routinely called into question the legitimacy of elections. The ruling party has maintained power continuously since the country's independence in 1956, dominating the cabinet, the legislature, and regional and local governments.

Elections and Political Participation.—In the 2004 national elections, President Ben Ali faced three candidates and officially received 94.9 percent of the popular vote to secure a fourth term. Ben Ali has ruled since 1987. The third opposition candidate, Mohamed Halouani of the al-Tajdid party, cited government restrictions and other irregularities to explain why he received less than one percent of the official vote count. According to official election returns, more than 90 percent of registered voters went to the polls; however, independent NGOs estimated that the actual turnout was closer to 30 percent.

Irregularities characterized the polling. A coalition of three local independent NGOs—the LTDH, CNLT, and Tunisian Association of Democratic Women (ATFD)—cited as serious problems the opposition's lack of media access during the campaign and media bias in favor of the ruling party. Opposition candidates and other observers also cited voter intimidation as well as restrictions on disseminating campaign materials and organizing campaign events.

On July 28, the President approved of a law requiring Presidential candidates to be elected heads of political parties who had held that position for at least two years.

In 2008 the Government conducted elections for half of the 126 seats in the Chamber of Advisors, a second parliamentary chamber created in 2002. The voters consisted of 4,555 officials, including municipal counselors, mayors, and the 189 members of the Chamber of Deputies. Only 305 of the 4,555 voters belonged to opposition parties. The law specifies that seats must be allocated among various regional and professional organizations, including 14 seats for the UGTT, which refused to name candidates, citing a lack of independence and democracy in the candidate selection process. The President directly appointed 20 candidates. The majority of elected members of the chamber were members or supporters of the ruling RCD party.

The President appoints the prime minister, the cabinet, and the 24 governors. The Government and the party are closely integrated; current and former senior govern-

ment officials constitute the top ranks of the RCD. The President of the country is also the President of the party, and the party's vice President and Secretary General each hold the rank of minister. All members of the RCD politburo hold ministerial rank based on their current or former government service.

RCD membership conferred tangible advantages. For example, there were widespread reports that RCD members and their families were much more likely to receive educational and housing benefits, small business permits, and waivers on zoning restrictions.

To reduce the advantages wielded by the ruling party, the Electoral Code reserves 25 percent of seats in the Chamber of Deputies (47 of 189) for the seven officially recognized opposition parties and distributes them on a proportional basis to those parties that won at least one directly elected district seat. In the 2004 elections, five of the opposition parties gained seats under that provision. The RCD holds the remaining 152 seats.

In 2006 authorities authorized the establishment of the Green Party for Progress (PVP), the first new political party created since 2002. The Government refused to recognize an environmental political party, Green Tunisia Party, despite its long-pending application.

The Government partially funded legal opposition parties. The Government raised the public subsidy for operational costs of opposition parties represented in parliament to 270,000 dinars per party (approximately \$225,000) per year. Opposition parties represented in the chamber who publish newspapers received additional funding.

By law the Government prohibits the establishment of political parties on the basis of religion, language, race, or gender.

There were 60 women in the 301-seat legislature, one woman in the 29-seat cabinet, and five women among the 15 secretaries of state (regarded as junior cabinet members). Following municipal elections in 2005, more than one-fourth of municipal council members elected were women. Three women served as Presidents of chambers on the Supreme Court, and two women served on the 15-member Higher Council of the Magistracy.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. Anecdotal evidence suggested that the incidence of corruption was on the rise; however, corruption allegations were difficult to prove.

On February 7, a National Guard officer reportedly stopped a journalist for a traffic violation and asked for a bribe.

In May 2007 a Tunis court sentenced two civil service employees involved in a corruption case to four years in prison. One of the employees, a Tunis airport employee, received 1,500 dinars (approximately \$1,234) for helping the other employee travel from Tunis to Marseilles with a false passport.

In November 2007 police arrested an employee of the state-owned National Pedagogical Center on charges of corruption and misappropriation of foreign currency. At year's end the Court of Tunis had not handed down a verdict.

The Higher Institute of Security Forces and Customs is tasked not only with "reinforcing human rights and improving law enforcement" but also reducing corruption. There were no public reports of the organization's activities during the year. No laws to provide government documents to citizens exist. Public officials are not subject to financial disclosure laws.

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

The Government actively hindered investigations of human rights abuses by domestic and international groups, who had difficulty investigating and publishing their findings, and it sought to monitor and control the activities of some foreign NGOs within the country.

There were approximately 12 domestic human rights NGOs, although only half were authorized. Some NGOs loyal to the Government received government funding. The Government met with registered domestic human rights NGOs and on occasion responded to their inquiries; however, it also harassed, targeted, and prosecuted some individuals.

Citing a court ruling that stated that the LTDH could not hold its National Congress, the Government blocked its meetings and events throughout the year. The LTDH traditionally was one of the most active independent advocacy organizations, with 41 branches throughout the country, although the blockage of LTDH activities by the Government limited its operational effectiveness. The organization received and investigated complaints and protested abuses, although the Government rarely responded to LTDH communiques. The Government continued to block an EU grant

to the LTDH, citing a law on NGO financing that includes broad prohibitions on funding of NGOs without government approval.

Since 1998 the Government has refused to authorize the CNLT's registration as an NGO. The CNLT issued statements sharply criticizing the Government's human rights practices. Government officials have accused CNLT members of violating the pro forma submission requirements by publishing communiques without prior government approval.

On April 20 and 21, domestic NGO Freedom and Equity, an organization that tracks human rights abuses and political prisoners, announced that security forces had surrounded the home and law offices of its President, Mohamed Nouri. According to the statement, security forces prevented Freedom and Equity members from meeting and also stopped Nouri's legal clients from entering the building. On July 18, Freedom and Equity alleged that the Government had cut off its Internet connection, stating that it considered this to be part of a pattern of government interference designed to isolate civil society organizations in the country.

In June 2007 police reportedly questioned the President of AI's Tunisian chapter about the launch of a coalition against the death penalty, which had been announced the day before. The police reportedly characterized the effort as "illegal."

In December 2007 police reportedly detained AISPP cofounder and steering committee member Samir Ben Amor. According to HRW, before his release, police told him to cease his activities with the AISPP. The Government has refused to register the association since its creation in 2002.

In 2006 the International Freedom of Expression Exchange-Tunisia Monitoring Group (IFEX-TMG), a coalition of international human rights and freedom of expression NGOs, conducted fact-finding missions. The IFEX-TMG reported heavy police surveillance of their activities and government interference with their mission. Police prevented translators and private citizens traveling with the group from attending some meetings.

In 2006 authorities arrested and expelled Yves Steiner, a visiting member of the Executive Committee of the Swiss chapter of AI. According to AI, Steiner had delivered a speech to members of AI's local chapter in which he condemned growing human rights abuses in the country, notably restrictions on freedom of expression and freedom of association. According to international media, a government source said that Steiner had posed a threat to public order.

There were credible reports that police prevented some family members of prisoners from visiting ICRC offices and monitored, occasionally harassing, families that visited ICRC offices.

The Ministry of Justice and Human Rights has the lead on government policy regarding human rights issues, although other ministries also had human rights offices. The ministry did not release any public reports of cases or investigations. The HCHR, a government-appointed and government-funded body, received, addressed, and occasionally resolved human rights complaints in regard to prison conditions, requests for amnesty from families of prisoners, and other issues. The commission submitted confidential reports directly to the President; however they were not available to the public.

In June the Government made the HCHR a separate item in the budget; previously, the HCHR received its funding through the President's office. President Ben Ali also approved legislation allowing the HCHR to conduct proactive outreach, suggest changes to Tunisian law, and instigate investigations.

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

The law provides that all citizens are equal before the law, and the Government generally respected this provision, although in inheritance and family law, biased gender-based provisions in the civil code adversely affected women.

Women.—The penal code specifically prohibits rape, including spousal rape, and the Government enforced the laws vigorously, giving significant press coverage to rape cases; however, there were no reports of prosecution for spousal rape. The penalty for rape with the use of violence or threat with a weapon is death. For all other rape cases, the penalty is life imprisonment.

Laws against domestic violence provide for fines and imprisonment for assaults committed by a spouse or family member that are double those for the same crimes committed by an unrelated individual, but enforcement was rare. Domestic violence was considered a serious problem. According to the UNFT, 935 women consulted with UNFT during the year about domestic violence, including 515 new cases. The ATFD has provided services for approximately 2,000 victims of domestic violence since opening their women's center in 1993. The UNFT, a government-sponsored organization that ran a center to assist women and children in difficulty, sponsored national educational campaigns for women.

The penal code prohibits prostitution, and few persons were convicted of violating this law. There were government-sanctioned brothels, although under the penal code there is a penalty for prostitution of up to two years in prison. The Government officially sanctions some brothels in which the workers have regular medical exams and the environment is relatively regulated and controlled. There are no penalties for visiting these brothels. The law applies to both women and men and their accomplices. There were no reported cases of trafficking or forced prostitution involving women.

Sexual harassment was a problem, although there were no comprehensive data to measure its extent. Civil society groups criticized the law on harassment as too vague and susceptible to abuse as it requires women to convince a judge that they were the victims of sexual harassment which is often difficult to prove. According to the criminal code, the penalty for sexual harassment is one year in prison and a 3,000 dinar (approximately \$2,307) fine.

Codified civil law is based on the Napoleonic code, although judges often used Shari'a as a basis for customary law in family and inheritance. Most property acquired during marriage, including property acquired solely by the wife, was held in the name of the husband. Married couples may choose between joint or separate property systems when signing marriage contracts. Customary law based on Shari'a prohibits women from marrying outside their religion. Application of Shari'a inheritance law continued to discriminate against women, and there was a double standard based on gender and religion: non-Muslim women and Muslim men who are married may not inherit from each other. The Government considers all children from those marriages to be Muslim and forbids those children from inheriting from their mothers. Female citizens can transmit citizenship to children regardless of the father's citizenship.

The law explicitly requires equal pay for equal work. In January 2007 a law went into effect allowing some female employees in the public sector to work part-time while still receiving two-thirds of their original salary. The Government stated that the law was motivated by a desire to allow women to balance family and professional life. Women's rights activists, including the ATFD, stated that treating women and men differently under the law was a major setback to women's rights in the workplace.

The Ministry for Women's Affairs, Family, Children, and Senior Citizens sponsored several national media campaigns to promote awareness of women's rights. The Government supported and funded the UNFT; the Center for Research, Documentation, and Information on Women; and women's professional associations. Several NGOs focused on women's advocacy and research in women's issues, and a number of attorneys represented women in domestic cases.

Children.—The law provided protections to children. Convictions for abandonment of and assault on minors carried severe penalties. Some child labor occurred.

Trafficking in Persons.—The law does not prohibit all forms of trafficking, but traffickers may be prosecuted under laws prohibiting forced labor, forced prostitution, participation in armed conflict, or servitude. There were no reports that persons were trafficked to, from, or within the country. The law specifically provides punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary or organizes the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea, or air" of three to 20 years' imprisonment and fines of 80,000 to 100,000 dinars (approximately \$61,538 to \$76,923).

The Ministry of Interior and Local Development and the Ministry of Social Affairs, Solidarity, and Tunisians Abroad were the agencies responsible for anti-trafficking efforts. There were no specific government campaigns to prevent trafficking, although the Government worked closely with its European neighbors to interdict smuggling, some of which may include trafficking. The Government did not, however, have measures to identify trafficking victims from those persons smuggled voluntarily.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities and mandates at least one percent of public and private sector jobs be reserved for persons with disabilities; however, leaders of NGOs dedicated to persons with disabilities reported that this law was not widely enforced, and many employers were unaware of its existence. There was some discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. All public buildings constructed since 1991 must be accessible to persons with physical disabilities, and this was enforced. The Government issued special cards to persons with disabilities for

benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provided tax incentives to companies to encourage the hiring of persons with physical disabilities, and it strongly supported NGOs working on behalf of persons with disabilities.

While there is still a social stigma associated with mental illness, at a societal level several active NGOs provided educational, vocational, and recreational assistance to children and young adults with mental disabilities. The Government and international organizations funded several programs. The Ministry of Social Affairs, Solidarity, and Tunisians Abroad were charged with protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—Homosexuality is illegal. There is anecdotal evidence that homosexuals face some forms of discrimination.

There is anecdotal evidence that people with HIV/AIDS face some forms of discrimination. While there were NGOs to assist persons living with HIV, they faced discrimination in the quality of and in their access to medical care.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to organize and form unions, but this right was not always respected in practice. The UGTT was the country's only labor federation. Approximately 10 percent of the work force belonged to the UGTT, including civil servants and employees of state-owned enterprises, and a considerably larger proportion of the work force was covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions were legally independent of the Government and the ruling party; however, they operated under regulations that limited their freedom of action. The UGTT included persons associated with all political tendencies. UGTT funding came from modest union dues, revenue from an insurance company, and a percentage of annual contributions into the National Social Security Fund. The Government provided the UGTT with land for its new headquarters and support for its construction. Central UGTT leadership generally cooperated with the Government regarding its economic reform program. During the year the UGTT again refused to submit a list of candidates for 14 UGTT-designated seats for elections to the newly created Chamber of Advisors, citing a lack of independence and democracy in the selection process and an unfair distribution of seats. The UGTT supported the LTDH and agreed to let LTDH regional chapters use UGTT facilities for conferences and meetings.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days' advance notice to the UGTT, and it grants approval. The International Trade Union Conference characterized the requirement for prior UGTT approval of strikes as a violation of worker rights, but such advance approval rarely was sought in practice. The law prohibited retribution against strikers, and the Government generally respected this provision. Labor disputes were settled through conciliation panels in which labor and management were represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

On January 16 and 17, the Tunisian General Union of Secondary School Teachers went on strike, to protest the severance of three teachers reportedly due to their union activities.

b. The Right to Organize and Bargain Collectively.—The law protects the right to organize and bargain collectively, and the Government protected this right in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions, the Government, and employers. Numerous collective bargaining agreements set standards for industries in the private sector and covered 80 percent of the private sector.

The law prohibits anti-union discrimination by employers, although the UGTT claimed that there was anti-union activity among private sector employers, such as firing union activists and using of temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers accounted for a strong majority of the work force. The labor code protects temporary workers, but enforcement was more difficult than for permanent workers. A committee chaired by an officer from the Labor Division of the Office of the Inspector General approved all worker dismissals. The committee was composed of representatives from the Ministry of Social Affairs, Solidarity, and Tunisians Abroad, the UGTT, and the company dismissing the worker. Legally, workers have the right to reinstatement, but in practice this was not enforced.

Export processing zones were subject to labor laws.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children, and there were no reports that such practices occurred. However, some parents placed their teenage daughters as domestic servants and collected their wages.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under 18 in jobs that present serious threats to their health, security, and morality, and the UGTT and the National Social Security Fund conducted inspection tours of factories and industrial sites to ensure compliance.

The law generally prohibits the employment of children under the age of 16 years, which is consistent with the age for completing educational requirements, and inspectors of the Ministry of Social Affairs, Solidarity, and Tunisians Abroad examined the records of employees to verify that employers complied with the minimum age law. There were no reports of sanctions against offending employers.

The minimum age for light work in the non-industrial and agricultural sectors during non-school hours was 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. In nonagricultural sectors children between the ages of 14 and 16 years may work no more than two hours per day. The total time that children spend in school and work may not exceed seven hours per day. Nonetheless, young children sometimes performed agricultural work in rural areas and worked as vendors in towns, primarily during their summer vacation from school. Child labor also existed in the informal sector disguised as apprenticeship, particularly in the handicraft industry.

e. Acceptable Conditions of Work.—The labor code provides for a range of administratively determined minimum wages. On May 2, the Government raised the industrial minimum wage to 252 dinars (approximately \$194) per month for a 48-hour workweek and to 218 dinars (\$168) per month for a 40-hour workweek. The agricultural daily minimum wage was 7 to 8 dinars (six dollars) per day. With the addition of transportation and family allowances, the minimum wage provided a decent standard of living for a worker and family, although that income was only enough to cover essential costs. More than 500,000 workers were employed in the informal sector, which was not covered by labor laws.

Regional labor inspectors enforced standards related to hourly wage regulations. They inspected most firms approximately once every two years. The Government often had difficulty enforcing the minimum wage law, particularly in non-unionized sectors of the economy. The labor code sets a standard 48-hour workweek for most sectors; requires one 24-hour rest period per week and 125 percent premium pay for overtime; and prohibits excessive compulsory overtime, although this prohibition is not always enforced.

Special government regulations governed employment in hazardous occupations like mining, petroleum engineering, and construction, and the Ministry of Social Affairs, Solidarity, and Tunisians Abroad had responsibility for enforcing health and safety standards in the workplace. Working conditions and standards generally were better in export-oriented firms than in those firms producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they could take legal action against employers who retaliated against them for exercising this right.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven semiautonomous Emirates with a resident population of five million, of whom fewer than 20 percent (900,000) are citizens. The seven Emirate rulers constitute the Federal Supreme Council, the highest legislative and executive body. The council selects a President and a vice President from its membership, and the President appoints the prime minister and cabinet. In 2004 the council selected Sheikh Khalifa bin Zayed al-Nahyan, ruler of Abu Dhabi Emirate, as head of state for a five-year term. Traditionally, the Emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, to leaders of the individual Emirates, and to leaders of the federation. There are no democratically elected legislative institutions or political parties. There are no general elections. Citizens express their concerns directly to their leaders through traditional, consultative mechanisms such as the open “majlis” (council). The Federal National Council (FNC), a consultative body, consists of 40 advisors, 20 of whom were elected by an appointed electoral college in 2006. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change their government. There were unverifiable reports of torture during the year, and security forces sometimes employed flogging as judicially sanctioned punishment. Arbitrary and incommunicado detention remained a problem. The judiciary lacked full independence. The Government interfered with privacy and restricted civil liberties, including freedom of speech, press (including the Internet), assembly, association, and religion. There were limited reports of corruption, and the Government lacked transparency. Domestic abuse of women remained a problem, and there were allegations that police sometimes enabled domestic abuse. Trafficking in persons continued, and legal and societal discrimination against women and noncitizens was pervasive. The Government severely restricted the rights of foreign workers. Abuse of foreign domestic servants was common.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture; however, there were unverifiable allegations of tortured political prisoners during the year, as well as reports that a royal family member tortured a foreign national who had allegedly overcharged him in a grain deal.

In addition, Shari'a (Islamic law) courts sometimes imposed flogging sentences as punishment for adultery, prostitution, consensual premarital sex, pregnancy outside marriage, defamation of character, and drug or alcohol abuse. Authorities used canes to administer floggings, resulting in substantial bruising, welts, and open wounds on recipients' bodies.

There were also reports of prison guard brutality during the year. On July 9, a Dubai court sentenced 25 jail wardens and a former prison director of Dubai Central Detention Facility to three- to six-month prison terms for abusing their authority and beating inmates. Among the allegations, wardens reportedly beat an Armenian inmate, leaving him with a spinal injury that led to permanent disability. The defendants appealed the ruling, and on November 18, the Dubai Court of Appeals suspended the sentences of the 25 jail wardens. At year's end the prison director's appeal was pending, and he was out on bail.

Prison and Detention Center Conditions.—Prison conditions varied widely from Emirate to Emirate. Some prisons were overcrowded, particularly in Abu Dhabi and Dubai. Conditions for female prisoners were equal to or slightly better than those for men. Prisoners convicted on national security grounds were held separately from the general populace. Conditions in these special sections were not significantly different from other parts of the prisons. There were credible reports that government officials discriminated against prisoners with HIV by separating them from the general prison population and by not granting commuted sentences or parole that other prisoners with similar records received.

Police in Dubai and Abu Dhabi stated that nongovernmental organizations (NGOs) and the International Committee of the Red Cross had access to observe prison conditions if requested. However, on September 21, when members of the NGO Emirates Human Rights Association (EHRA) went to visit female inmates at Dubai's Al-Aweer Detention Facility, prison authorities denied the monitors access "to protect the prisoners' social and psychological rights."

Although charitable NGOs visited prisons during the year, they were only permitted to provide material support. They were unable to determine the welfare and well-being of the prisoners. However, some clergymen reported psychological abuse and frequent physical abuse of their imprisoned parishioners.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, there were reports that the Government held persons in official custody without charge or a preliminary judicial hearing. Current law permits indefinite, routine, incommunicado detention without appeal. Under this procedure the detainee may contact only his or her attorney.

Role of the Police and Security Apparatus.—The federal Ministry of Interior (MOI) oversees police general directorates in each of the seven Emirates; each Emirate, under its corresponding police general directorate, maintains its own police force and supervises the police stations therein. Although all Emirate police forces theoretically are branches of the ministry, in practice they operated with considerable

autonomy and varying degrees of efficiency. The police forces, under the umbrella of the MOI, are responsible for internal security, and the federal armed forces are responsible for external security.

While reported incidents of police corruption were uncommon, the MOI intervened several times in criminal cases to ensure that local police were compliant with federal law and policy. There were no reports of impunity.

On November 10, a police officer was charged with stealing a suspect's personal belongings, which were confiscated while the suspect was being questioned. The officer allegedly kept the stolen belongings, including money and jewelry, at his house.

On November 11, a police officer was charged with unlawfully revealing secrets and alerting a brothel allegedly run in hotel rooms of impending police raids.

Arrest and Detention.—The law prohibits arrest or search without probable cause; however, incidents occurred in practice. There were credible reports that security forces failed to obtain warrants in some cases.

Police stations received complaints from the public, made arrests, and forwarded most cases to the public prosecutor. Cases were then transferred to the courts. In cases involving foreign defendants, especially for crimes of moral turpitude, authorities often summarily deported the defendants upon completion of their jail terms. Police must within 48 hours report an arrest to the public prosecutor, who then must determine within 24 hours whether to charge, release, or further detain the suspect. In practice the public prosecutor did not always meet the 24-hour time limit, although police usually adhered to their 48-hour time limit. Public prosecutors may order detainees to be held as long as 21 days without charge, or longer in some cases with a court order. Courts may not grant an extension of more than 30 days of detention without charge; however, judges may continue to renew 30-day extensions indefinitely and without charge. Public prosecutors may hold suspects in terrorist-related cases without charge for six months. Once a suspect is charged, terrorism cases are handled by the Supreme Court, which may extend the detention period indefinitely.

There is no formal system of bail; however, authorities can temporarily release detainees who deposit money, a passport, or an unsecured personal guarantee statement signed by a third party. Defendants in cases involving loss of life, including involuntary manslaughter, can be denied release in accordance with the law. Release is usually permitted after payment to the victim's family of compensation, commonly called "diya" or "blood money," which is a form of financial penalty imposed on defendants in criminal cases involving a death.

A defendant is entitled to an attorney only after the police have completed their investigation. As a result police sometimes questioned accused persons for days or weeks without providing them the benefit of legal counsel. Persons arrested on non-security charges were generally granted prompt access to family members.

Amnesty.—On religious and national holidays the rulers of the individual Emirates regularly pardon and pay the debts of many prisoners. According to press reports, rulers pardoned at least 1,200 prisoners and paid their debts during the year. The Government deported most of the foreign nationals who were pardoned. The Government did not repeat its June-November 2007 amnesty for illegal expatriate residents.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary. In practice, however, its decisions remained subject to review by the political leadership. The judiciary was composed largely of contracted foreign nationals potentially subject to deportation.

By tradition, the local rulers' offices, or "diwans," maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to prosecutors, reviewing sentences passed by judges, returning cases to the court on appeal, and approving the release of every prisoner whose sentence was completed. The diwans' involvement—usually in cases between two Emirates or between a citizen and noncitizen—led to lengthy delays prior to and following the judicial process and lengthened the time defendants served in prison. The diwan's decision in any court case is considered final, and in the case of disagreement between a judge and diwan, the diwan's decision prevails. Because diwans report to the minister of the interior, there was often no functional separation between the executive and judicial branches.

There is a dual court system. Shari'a courts adjudicate criminal and family law matters based on each Emirate's interpretation of Shari'a. Civil courts adjudicate civil law matters and, except in Dubai, Abu Dhabi, and Ras al-Khaimah, were accountable to the Federal Supreme Court, which has the power of judicial review, as well as original jurisdiction in disputes between Emirates or between the Federal Government and individual Emirates. The Emirates of Dubai, Abu Dhabi, and Ras

al-Khaimah have their own local and appellate courts, which have jurisdiction over matters within their territories that the constitution and federal legislation do not specifically reserve for the federal system. These Emirates did not refer cases in their courts to the Federal Supreme Court for judicial review, although they maintained a liaison with the federal Ministry of Justice.

In some Emirates Shari'a courts considered all types of civil and commercial cases as well as criminal cases and family matters. They acted in accordance with their interpretation of Shari'a but were required to answer to the Federal Supreme Court, with the exception of the Emirates of Abu Dhabi, Dubai, and Ras al-Khaimah. In criminal cases Shari'a was applied first, and if evidence required by Shari'a was found insufficient, the penal code was used. Dubai had a special Shia council to act on matters pertaining to Shia family law.

The military has its own court system. Military tribunals try only military personnel. National security cases are heard solely by the Supreme Court.

Trial Procedures.—Defendants were presumed innocent until proven guilty. The constitution provides the right to a public trial, except in national security cases or cases deemed by the judge to be harmful to public morality. Juries are not used. Defendants have the right to be present at their trial and a limited right to legal counsel in court. However, while awaiting a decision on official charges at the police station or the prosecutor's office, a defendant is not entitled to legal counsel. In all cases involving a capital crime or possible life imprisonment, the defendant has a right to government-provided counsel. The Government may also provide counsel, at its discretion, to indigent defendants charged with felonies punishable by imprisonment of three to 15 years. The law provides prosecutors discretion to bar defense counsel from any investigation. Defendants and their attorneys can present witnesses and question witnesses against them, and defense counsel had access to relevant government-held evidence.

By law all prosecutions are conducted in Arabic; however, despite the defendant's procedural right to a translator, in some cases involving deportation of illegal residents, translation was provided only at sentencing.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the Emirate in which the offense is committed or to the President of the federation. In the case of murder, only the victim's family may commute a death sentence. The Government normally negotiates with victims' families for the defendant to offer diya in exchange for forgiveness and a commuted death sentence.

In cases in which a defendant is acquitted, the prosecutor may appeal the acquittal to a higher court, which may receive additional evidence. An appellate court must reach unanimous agreement to overturn an acquittal.

Political Prisoners and Detainees.—There were no reports of political detainees or prisoners; however, there were persons reportedly held incommunicado and without charge for unknown reasons.

Civil Judicial Procedures and Remedies.—Citizens and noncitizens could access the courts to seek damages for, or cessation of, human rights violations. The civil courts, like all courts in the country, lacked full independence. Administrative remedies were available for labor complaints and were particularly common in cases of physical abuse of domestic workers.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits entry into homes without the owner's permission, except when police present a warrant in accordance with the law; however, there were credible reports that security forces sometimes failed to obtain warrants. Officers' actions in searching premises were subject to review, and officers were liable to disciplinary action if their actions were judged to be irresponsible. Authorities did not commonly screen private correspondence; however, there have been reports of censorship of incoming international mail.

Local interpretation of Shari'a law prohibits Muslim women from marrying non-Muslims and Muslim men from marrying women not "of the book," i.e., adherents of religions other than Islam, Christianity, and Judaism.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The law prohibits criticism of rulers and speech that may create or encourage social unrest. Journalists and editors practiced extensive self-censorship for fear of government retribution, particularly since most journalists were of foreign origin and feared deportation.

Public criticism of the Government and ministers is permissible in a limited context, but criticism of ruling families, particularly sheikhs, is not permitted. However, criticism of sheikhs occurred with extreme caution and in private.

The Government owned three of the country's newspapers and heavily influenced the privately owned media, including through government subsidies. The government-owned Emirates News Agency regularly provided material in English and Arabic that some newspapers printed verbatim. Except for media located in Dubai's Media Free Zone and foreign language media targeted to expatriates, most television and radio stations were government-owned and conformed to unpublished government reporting guidelines. With the exception of Pakistan's GEO TV, foreign journalists and news organizations operating out of the Dubai Media Free Zone reported no restrictions on the content of print and broadcast material produced for use outside the country. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship.

On June 15, Pakistani television channel GEO News permanently relocated its office and staff to an undisclosed country. Station managers claimed they were given 48 hours to leave the Dubai Media Free Zone or halt the broadcasting of two shows. The shows allegedly covered efforts to reinstate judges dismissed by Pervez Musharraf, Pakistan's former President.

By law the National Media Council (NMC), appointed by the President, licenses and censors all publications, including private association publications. Media outlets must inform the NMC of the appointment of editors, and the NMC is responsible for issuing press credentials. The law authorizes censorship of domestic and foreign publications to remove criticism of the Government, ruling families, or friendly governments, as well as other statements that "threaten social stability." According to the council and Dubai police officials, journalists were not given specific publishing instructions; however, government officials reportedly warned journalists when they published material deemed politically or culturally sensitive. Journalists practiced extensive self-censorship regarding the issues they chose to cover.

On May 2, the NMC instructed a printing press to stop printing six vernacular publications, four dailies in Malayalam and two papers in Urdu. The NMC explained that the printing press had not obtained legal permission to print the papers. On November 18, Abu Dhabi's federal court of appeal ruled to ban Emarat Al Youm daily newspaper from publishing for 20 days in a defamation case raised by the Emirati Warsan Stables owners, who are members of the ruling family; however, the newspaper continued publishing, and the ban was never enforced. The court also fined the newspaper's chief executive officer and editor in chief 20,000 dirhams (approximately \$5,445) each. The case revolved around a 2006 article alleging that the stable was doping its horses to gain advantages in international races.

The Government used libel laws to suppress criticism of its leaders. Although no journalists have received prison sentences for defamation since September 2007, when Vice President and Prime Minister Sheikh Mohammed bin Rashid al-Maktoum ordered that journalists no longer be imprisoned for such violations, other punishments for violations remained in force.

The NMC censors reviewed all imported media and banned or censored before distribution any material considered pornographic, excessively violent, derogatory to Islam, supportive of certain Israeli government positions, unduly critical of friendly countries, or critical of the Government or ruling families. Publication of books was treated in the same manner.

Internet Freedom.—The Government restricted access to some Web sites on the Internet and monitored chat rooms, instant messaging services, and blogs. Individuals and groups generally engaged in peaceful expression of views via the Internet, including by e-mail, with few reports of government prosecution or punishment, although self-censorship was apparent in many chat rooms and blogs. The UN Human Development Report estimated there were more than 300 Internet users per 1,000 persons.

On September 12, an appeals court upheld an August 2007 decision sentencing Majan.net's owner and a blogger to one year in prison and a fine of 70,000 dirhams (approximately \$19,070) when they refused to delete critical comments about a government official.

Etisalat, the country's only Internet service provider, blocked via a proxy server material deemed inconsistent with the country's values. Blocked material included dating and matrimonial sites; gay and lesbian sites; sites concerning the Baha'i faith; sites originating in Israel; and sites explaining how to circumvent the proxy server. The proxy server occasionally blocked broad categories of sites including many that did not meet the intended criteria. Etisalat populated its proxy server

list of blocked sites primarily from lists purchased from commercial companies, although individuals could also report offensive sites. Social Web site Orkut and politically oriented Web sites ArabTimes.com and UAEPrison.com remained blocked during the year. Etisalat denied having the authority to block any site and referred all complaints and suggestions to the NMC.

The law explicitly criminalizes the use of the Internet to commit a wide variety of offenses, providing fines and prison terms for Internet users who violate political, social, and religious norms. In addition to criminalizing acts commonly associated with “cyber crimes,” such as hacking, phishing, scams, and other forms of financial fraud, the law also provides penalties for using the Internet to oppose Islam, proselytize Muslims to join other religions, “abuse” a holy shrine or ritual of any religion, insult any religion, or incite someone to commit sin. The law criminalizes use of the Internet in transcending “family values” by publishing news or photos pertaining to a person’s private life or family or by promoting a breach of public decency.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and censored academic materials destined for schools. The Government banned students from reading texts featuring sexuality or pictures of the human body. The Government also restricted participation in certain cultural events, primarily events that are deemed un-Islamic.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association; however, in practice the Government did not respect these rights.

Freedom of Assembly.—The law requires a government permit for organized public gatherings. The Government did not permit public meetings or demonstrations for political purposes. On December 31, security forces in the Emirate of Sharjah prevented an assembly that was intended to show solidarity with the people of Gaza. In practice the Government did not regularly interfere with informal non-political gatherings held without a government permit in public places, unless there were complaints.

During the year there continued to be periodic gatherings without government permission, sometimes of laborers protesting wages. Except in the few cases in which crowds became destructive or violent, the Government did not interfere.

Citizens normally confined political discussions to informal gatherings, or majlis, held in private homes.

Freedom of Association.—Political organizations, political parties, and trade unions are illegal. All NGOs were required to register with the Ministry of Social Affairs, and many received government subsidies. Approximately 100 domestic NGOs were registered with the ministry, mostly citizens’ associations for economic, religious, social, cultural, athletic, and other purposes. More than 20 unregistered local NGOs that focused on nonpolitical topics operated with little or no government interference.

On June 15, 83 former teachers lodged protests with the Ministry of Education over their transfers to other ministries or nonteaching positions. According to the Government, the teachers were reassigned as part of ongoing education reform initiatives; however, the teachers alleged that the Government was suspicious of their membership in the Reform and Social Guidance Association and therefore reassigned them. Some of the teachers’ wives, who also worked at the Ministry of Education, claimed their promotions were suspended, and there were allegations that some of the teachers’ children were denied scholarships.

Associations must follow the Government’s censorship guidelines and receive prior government approval before publishing any material. Participation by NGO members in events outside the country is subsidized and directed by the Government. Participants must obtain government permission before attending such events, even if they are not speakers.

c. Freedom of Religion.—The constitution provides for freedom of religion in accordance with established customs; however, the law prohibits Muslims the freedom to change religion, and the Government restricted religious freedom in practice. The federal constitution declares that Islam is the official religion of the country; conversion to Islam was viewed favorably, and the Government funded or subsidized approximately 95 percent of Sunni Muslim mosques.

Individual Emirates exercised considerable autonomy in religious matters. According to the General Authority of Islamic Affairs and Endowments (GAIAE), there was no formalized method of granting official status to religious groups other than by granting them the use of land for the construction of a building. Land grant applications are filed at the local level but may include a letter from the GAIAE. Several

non-Muslim groups operated houses of worship where they can practice their religion freely. Groups that did not have their own buildings were limited in their ability to assemble for worship; they were required to use the facilities of other religious organizations or worship in private homes. The police or other security forces did not interfere with these gatherings during the year. Members of the country's large Hindu community had to obtain official permission to use one of the two cremation facilities and associated cemeteries.

Islamic studies were mandatory in public schools and for all Muslim children in private schools.

The Government prohibited Muslims from converting to other religions. Under Shari'a the ultimate penalty for converting from Islam to another religion is death; however, the death penalty was rarely carried out, and there have been no reports that it has been applied to any case of conversion.

Non-Muslims were subject to criminal prosecution, imprisonment, and deportation if they were found proselytizing or distributing religious literature to Muslims; however, there were no reports of such actions during the year. Missionaries continued to perform humanitarian work in the country and faced no restrictions on proselytizing non-Muslims.

The Government monitored religious groups, including those professing adherence to Islam. A GAIAE committee drafted and distributed all Friday sermons to Sunni and Shia imams, and the Government monitored the sermons for adherence to the scripted content. The Emirate of Dubai had approval authority over preachers in private mosques.

The Government banned or censored certain religious publications and sometimes blocked Web sites containing religious information. These sites included information on the Baha'i faith, Judaism, negative critiques of Islam, and testimonies of former Muslims who had converted to Christianity.

Societal Abuses and Discrimination.—There were no reports of societal abuses based on religion; however, some discrimination existed, and anti-Semitism was present in the media.

There were no synagogues for the small, resident, noncitizen Jewish population. Anti-Semitism was apparent in news articles and editorial cartoons depicting negative images of Jews. These expressions occurred primarily in private daily newspapers without government response.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, emigration, and repatriation, and the Government generally respected these rights in practice; however, there were legal restrictions on foreign travel. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) on a humanitarian basis but did not grant refugee status or asylum.

Male citizens involved in legal disputes under adjudication were not permitted to travel overseas. Custom dictates that a husband can bar his wife, minor children, and adult unmarried daughters from leaving the country by taking custody of their passports. However, there was no enforcement of this custom at exit points that would bar an individual from traveling, unless there was a court order. The Government may revoke naturalized citizens' passports and citizenship status for criminal or politically provocative actions. However, such revocations were rare, and there were no reports of its use during the year.

The constitution prohibits forced exile, and there were no reported cases during the year.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Refugees generally were required to petition for settlement in third countries. The Government continued to detain some persons seeking refugee status, particularly Palestinians and non-Arabs, while they awaited resettlement in third countries.

Stateless Persons.—Citizenship of the country is generally derived from one's parents. Estimates suggested that 20,000 to 100,000 persons without any citizenship or proof of citizenship lived in the country; however, the Government continued to improve naturalization procedures for these stateless residents (known as Bidoon) during the year. From September 7 to November 6, registration centers in four

Emirates accepted naturalization applications from individuals who had been resident in the country at least since the federation's establishment in 1971. On October 18, the Government granted nationality to 51 previously stateless persons.

Children of female citizens married to noncitizens do not acquire citizenship at birth; however, female citizens under these circumstances can apply for citizenship for their children, and the Government generally grants it. Foreign women may receive citizenship through marriage to a citizen after 10 years of marriage, and anyone may receive a passport by Presidential fiat.

Most Bidoon lacked citizenship because they did not have the preferred tribal affiliation used to determine citizenship when the country was established. Others had entered the country, legally and illegally, in search of employment. The Bidoon faced discrimination in employment and had limited access to medical care and education. Without passports or other identity documents, their movement was restricted, within the country and internationally.

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

The law does not provide citizens the right to change their government peacefully or freely change the laws that govern them. There were no democratic general elections or institutions, and citizens did not have the right to form political parties.

On December 16, the Government denied the FNC the right to discuss publicly the increasingly political topics of national identity associated with the demographic imbalance between the minority citizen population and the majority expatriate population.

Elections and Political Participation.—In 2006 a 6,689-member appointed electorate elected half of the 40-seat FNC, a consultative body that has no legislative mandate. On December 2, The Supreme Council announced a constitutional amendment that extended the term of FNC members from two to four years.

Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven Emirates that elects from its members the country's President and vice President. Decisions at the federal level generally were made by consensus among the rulers, their families, and other leading families. The ruling families, in consultation with other prominent tribal figures, also choose new Emirate rulers.

Although the FNC has no legislative authority, it generally reviewed all federal draft laws and decrees before they were officially adopted by the Federal Supreme Council, and it could send legislation back for amendment. The FNC also has the authority to question any government minister. During the year the Government accepted 80 percent of the FNC's recommendations. Former and present FNC members called during the year for greater legislative powers.

Despite laws discouraging women's political activities, some women were active in political life, mostly at the federal level. Four women were appointed ministers in the cabinet; nine women, one of whom was elected, served in the FNC; and despite a law prohibiting women from serving in the judiciary, several women served as public prosecutors or judges. In Sharjah, seven women served on the 40-seat Consultative Council, and two women served as directors of local departments; however, no women held nonfederal senior government positions in the other Emirates.

Except in the judiciary, minorities, including Shia, did not serve in senior federal positions. Many judges were contracted foreign nationals.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. Government corruption reportedly occurred at the administrative level. There were no financial disclosure laws for public officials.

On January 8, the Abu Dhabi Naturalization and Residency Department arrested an employee of the Al Ain Naturalization and Residency Department for illegally issuing entry visas for cash. In Dubai there were other high-profile corruption investigations during the year that led to criminal charges of betrayal of trust and unlawfully taking possession of money and property.

On October 25, the Department of Accountability returned to the treasury approximately 300 million dirhams (approximately \$82 million), which employees had embezzled. At year's end there was no information regarding what had happened to the employees.

The law provides for public access to government information, but the Government followed this provision selectively. Requests for access usually went unanswered.

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

The Government did not generally permit organizations to focus on political issues. However, two recognized local human rights organizations existed: the quasi-independent EHRA—which focused on human rights issues and complaints such as labor rights, stateless persons' rights, and prisoners' well-being and humane treatment—and the government-subsidized Jurists' Association Human Rights Committee—which focused on human rights education and conducted seminars and symposia subject to government approval. Although it was headed by a government prosecutor, the EHRA generally operated without government interference, apart from the many requirements faced by all associations in the country. However, lack of government interference did not imply full cooperation. For example Ministry of Interior officials refused to meet with EHRA members concerning the treatment of prisoners and conditions in detention facilities.

The Government did not allow international human rights NGOs to be based in the country but allowed representatives to visit on a limited basis. There were no transparent standards governing visitation from international NGO representatives.

The Government generally cooperated with other international organizations, including the UN Children's Fund (UNICEF) and UNHCR. The UN Office for the Coordination of Humanitarian Affairs maintained an office in the country.

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

The constitution provides for equality before the law without regard to race, nationality, or social status, and the law prohibits discrimination based on disability; however, legal and cultural discrimination existed and went unpunished.

Women.—Rape is punishable by death under the penal code, but in Shari'a courts the extremely high burden of proof often meant that the crime was not recognized. The penal code does not specifically address spousal rape. During the year there were 53 rape cases reported, of which 46 resulted in convictions with sentences varying from three months in prison to life imprisonment and deportation for non-citizens. However, given the onerous burden of proof and societal pressure, it was likely that the actual incidence of rape was much higher.

Domestic abuse against women, including spousal abuse, was a pervasive problem. The penal code allows men to use physical means, including violence, at their discretion against female and minor family members. Nevertheless, some domestic abuse cases may be filed as assault without intent to kill, punishable by 10 years in prison if death results, seven years for permanent disability, and one year for temporary injury. Victims of domestic abuse may file complaints with police units stationed in major public hospitals. Social workers and counselors, usually female, also maintained offices in public hospitals and police stations. In 2007 Dubai police handled 126 cases of wife beating and more than 200 nonphysical domestic conflict cases. Women were often reluctant to file formal charges of abuse for social, cultural, and economic reasons. There were several reports that police refused to protect women and instead encouraged them to return home. In some cases authorities contacted the allegedly abusive husbands asking them to transport their wives home. In 2007 the Dubai Foundation for Women and Children, funded by the Dubai government, opened a shelter to serve victims of human trafficking and domestic violence.

There were no specific reports of honor crimes or killings, although such incidents were rumored to occur within the Muslim expatriate population.

Paternity denial was an emerging problem in the courts. Despite DNA tests proving paternity, the courts could not force a man to accept paternal responsibility. The implications for the mothers of these children were extremely serious because the women faced potential charges of adultery, a legally punishable crime.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. Although prostitution was widely acknowledged to exist, the Government did not address the issue publicly. However, one police officer was charged for informing the female head of a brothel of an impending police raid. There was no evidence of sex tourism.

During the year the press reported that men were arrested and prosecuted for harassing women in public. The penal code prohibits "disgracing or dishonoring" a person in public, punishable by a minimum of one year in prison, and up to 15 years if the victim is younger than 14. An "infamous" act against the rules of decency carries a penalty of six months in prison, and "dishonoring a woman by word or deed on a public roadway" results in up to one year in prison and a 10,000 dirham (approximately \$2,700) fine. On January 28, the public prosecutor charged a driver

with molesting a shopper in a store, violating her privacy, and indecently gesturing in a public place.

Women also faced legal and economic discrimination. The Government's interpretation of Shari'a was applied in personal status cases and family law. Muslim women were forbidden to marry non-Muslims. Unlike men, female citizens married to noncitizens did not automatically pass citizenship to their children. The law permits a man to have as many as four wives. Women normally inherited less than men under the Government's interpretation of Shari'a. For example a son may inherit double what a daughter inherits when their parent dies. It was difficult for a woman to obtain a divorce as she is required to prove that her husband has inflicted physical or moral harm upon her, that he has abandoned her for at least three months, or that he has not maintained her upkeep or that of their children. Alternatively, women may divorce by paying compensation or surrendering their dowry to their husbands. The law gives divorced women custody of female children only until the age of 13 and male children only until the age of 10. Fornication is a crime, and the Government may imprison and deport noncitizen women if they bear children out of wedlock.

No law prohibits women from working or owning businesses, and a man has no right under the Government's interpretation of Shari'a to ban his wife from working if she was employed at the time of their marriage; however, some husbands reportedly prevented their wives from working. Women who worked outside the home sometimes did not receive equal benefits, and women also reportedly faced discrimination in promotion.

Women constituted 65 percent of all university students. Coeducation is prohibited in public schools and universities except at the UAE University Executive MBA Program. Several private schools, private universities, and institutions are coeducational.

The Government continued to make efforts to integrate women more fully. On January 16, the first female pilots graduated from Khalifa bin Zayed Air College, and on September 15, the country appointed its first two female ambassadors. Women comprised 10 percent of the country's diplomatic corps. On November 5, at the Dubai Judicial Institute, 10 female trainees were sworn in as the first female public prosecutors in the Emirate of Dubai.

Children.—The Government registered Bidoon births but did not grant citizenship to the children, who remained stateless.

Education is compulsory through the ninth grade; however, compulsory education was not enforced, and some children did not attend school. Noncitizen children could enroll in public schools only if they scored at least 90 percent on entrance exams. Primary education was provided free to citizens, but not to noncitizens. Public schools were not coeducational after kindergarten, and statistically, in every age group, girls and women were more academically successful and continued to higher levels of education than their male peers.

Child abuse was not prevalent, although there was some evidence that societal influences prevented cases from being reported. The law protects children from abuse and trafficking and the Government provides shelter and help for victims. However, the law does not address female genital mutilation (FGM), which some Somali, Omani, and Sudanese expatriates practiced. The Ministry of Health prohibits hospitals and clinics from performing FGM, but some private clinics in the northern Emirates and rural areas continued to carry out the procedure.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, trafficking continued to be a serious problem. The country remained a destination for men, women, and children from South and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and sexual exploitation, and a transit point for women trafficked into Oman and men into Iraq.

Women from India, Sri Lanka, Bangladesh, Indonesia, Ethiopia, and the Philippines migrated willingly to the country to work as domestic servants, but some faced debt bondage to recruiters; conditions of involuntary servitude such as excessive work hours without pay; verbal, mental, physical, or sexual abuse; and restrictions on movement. Similarly, men from India, Sri Lanka, Bangladesh, and Pakistan who came to the country to work in the construction industry were sometimes subject to involuntary servitude and debt bondage to pay off recruitment costs. Although illegal, it was customary for employers to take custody of workers' passports. Observers believed that resident citizen employment sponsors and foreign-based traffickers partnered to traffic women and girls into the country, especially to Dubai, for commercial sexual exploitation. A trafficker may promise a legal employment opportunity and supply a victim with a fraudulent passport with an inflated

age; after the victim enters the country on a visitor's or worker's visa, a fraudulent employment sponsor might force the victim into commercial sexual exploitation.

The law prescribes punishments including jail sentences for those convicted of trafficking, including for commercial sexual exploitation and involuntary servitude. The National Committee to Combat Human Trafficking is the Government entity responsible for combating trafficking in persons, in coordination with law enforcement and government ministries. Although there were 11 prosecutions and convictions during the year, enforcement and punishments generally remained lacking.

The Government has not fully developed an effective method to screen and identify actual or potential trafficking victims who do not identify themselves to authorities. As a result many victims were believed to have been deported on criminal charges without access to protective services or without being able to testify against their traffickers. There were reports from foreign embassies that some police authorities pressured victims not to pursue complaints against their employers and assisted employers in repatriating victims before a criminal complaint could be filed. Victims who were unable to provide evidence of trafficking were sometimes provided with food and shelter until they acquired travel documents to return home. At least one official and one private shelter in Dubai assisted victims of abuse and trafficking. The National Committee for Combating Human Trafficking continued its active efforts to eliminate trafficking through awareness campaigns, training of law enforcement personnel, and coordination of government efforts.

The Government continued a program with UNICEF and other countries to repatriate and rehabilitate former camel jockeys.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities. Most public buildings provided some form of access for persons with disabilities in accordance with the law. There were no reported incidents of discrimination against persons with disabilities in employment or education; however, health care provided in the Ministry of Labor's (MOL) five federal rehabilitation centers, as well as that in private centers, was reportedly inadequate. Moreover, the public centers were not available to noncitizens.

Various departments within the ministries of labor and education were responsible for protecting the rights of persons with disabilities. One percent of all Federal Government jobs and 2 percent of government jobs in Abu Dhabi are reserved for persons with disabilities. On May 19, the Ministry of Economy hired a severely visually impaired woman upon a request from the EHRA, and on July 9, the MOL acknowledged the contributions of six employees with disabilities who had been working there since 2000.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, comprising approximately 80 percent of the resident population and originating primarily from the Indian subcontinent, was prevalent and occurred in most areas of daily life, including employment, education, housing, social interaction, and health care. Although the Government endeavors to improve standards of living for all residents, there were few programs targeted at improving conditions for noncitizens.

Other Societal Abuses and Discrimination.—Both civil law and Shari'a criminalize homosexual activity, and Islamic religious law sets the death penalty as punishment for individuals who engage in consensual homosexual activities. During the year there were reports that the Government deported and sentenced to prison individuals for being openly homosexual.

Cross-dressing, according to the law, is a punishable offense. On May 26, Dubai police announced that transvestites would be arrested if caught in public. Police arrested 40 cross-dressing tourists in local shopping malls and other public places over the following three weeks and deported them soon after.

On April 8, Dubai courts confirmed 15-year jail terms for two citizen men and a three-year term for one male minor citizen for the July 2007 gang rape of a 15-year-old Swiss-French boy. The victim left the country before any criminal prosecution.

Persons with HIV/AIDS and other diseases also faced discrimination. There were credible reports that government officials discriminated against prisoners with HIV by not granting commuted sentences or parole that other prisoners with similar records had received. Noncitizen residents infected with HIV, hepatitis types B and C, and tuberculosis were denied all healthcare benefits, quarantined, and deported. During the year the Government deported 1,518 non-citizen residents infected with these diseases. The EHRA also reported that several women diagnosed with breast cancer were fired solely because of their illness and that hundreds of women were reluctant to undergo medical examinations to detect breast cancer for fear of losing their jobs if they received a positive diagnosis.

Section 6. Worker Rights

a. The Right of Association.—The law does not authorize workers to form or join unions, and no unions existed. Professional organizations, such as a lawyers' association, existed; however, they had to receive government approval for international affiliation.

The law does not explicitly prohibit strikes by private sector workers, but it allows an employer to suspend an employee for temporarily striking. In addition the Government may cancel the work permit of and deport any foreign worker absent from work for more than seven days without a valid reason. The individual would be banned from working in the country for one year. The Government forbids strikes by public sector employees, citing national security. Public sector employees may file an administrative grievance or a case in the civil courts to address a labor-related dispute or grievance; however, there was no evidence of any such grievances or cases.

The Government did not generally punish workers for nonviolent protests in response to nonpayment of wages by employers. However, during the year the Government took measures to break up nonviolent protests.

Approximately 10,000 workers participated in at least seven strikes during the year. Most grievances were related to unpaid wages and hazardous or abusive working conditions.

For example, on February 11, more than 300 workers demonstrated in Ajman against their Dubai-based employer over unpaid salaries. The workers marched from their residences in Ajman to the Dubai labor office, stopping in Sharjah to file a case against their employer. The workers complained that they had not been paid in four months and that their living conditions were unsuitable. Shajrah police dispersed the strike peacefully and sent the workers back to Ajman. The MOL summoned the employer, who agreed to resolve the dispute.

On July 7, approximately 3,000 workers in Ras Al-Khaimah protested salary levels. The strike turned violent as workers burned cars and buses. The MOL could not intervene in this contractual dispute because the company operated in a free trade zone (FTZ) in the Emirate of Ras Al-Khaimah. The workers were arrested and detained by the police for approximately two weeks. The police imprisoned eight persons who allegedly instigated the incident. The instigators will be deported at the end of their sentence. At year's end there was no information on the length of their sentence.

b. The Right to Organize and Bargain Collectively.—Employees covered by the labor law—which excludes domestic, agricultural, and government workers—may file collective employment dispute complaints in Arabic with the MOL, which serves as mediator between the parties. Unresolved disputes may be filed with the labor court system and forwarded to the Conciliation Council. In practice most cases were resolved through direct mediation. The Government granted some professional associations with mostly citizen membership a limited ability to raise work-related issues to petition the Government for redress and to file grievances with the Government. Foreign workers may belong to these associations; however, they do not have voting rights and cannot serve on the boards of the organizations.

Businesses in the FTZs are not subject to labor statutes. The MOL does not regulate the FTZs; instead, each FTZ maintained its own labor department. Unions and strikes are not allowed in any FTZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were instances of forced and compulsory labor affecting some adults, noncitizens in particular.

Some employment agents continued to bring numerous foreign workers to the country to work under forced or compulsory conditions, and there continued to be reports of worker suicides. Some women were brought to the country under false promises of legitimate employment and forced into prostitution. Low-paid unskilled and semiskilled workers were also victims of contract switching, which occurred when a worker was offered a certain position but received a visa labor card for a different position.

Lack of payment to employees, especially foreign workers, for extended periods of time was common. On June 1, to reduce the problem of unpaid wages, the MOL and the Central Bank signed a memorandum of understanding that facilitated direct deposits of laborers' salaries; however, the system had not taken effect at year's end.

Some domestic and agricultural workers were subject to de facto compulsory labor. Employers routinely held employees' passports, severely restricting their freedom of movement. There were increasing incidents of employees being prevented from changing positions because their contracts stipulated that they were banned from working for a "competitor" for six months after their original employment

ended; the only way to overcome the six-month ban was to seek a letter of “no objection” from the original employer. However, some employers, as retribution, refused to sign such letters. The MOL made exceptions during the year by not requiring letters of “no objection” if the employee had completed three years in the original position or if the employer had withheld salary.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of persons younger than 15 and has special provisions for employing persons 15 to 18 years of age, including expatriate children 16 or older. The MOL is responsible for enforcing these regulations and generally enforced them effectively. However, there were rare reports of foreign children who came to the country under their parents’ work permits and subsequently were pressured to work.

e. Acceptable Conditions of Work.—There is no minimum wage, leaving much of the workforce without sufficient compensation for more than a minimal subsistence. Salaries, which depend on the occupation and employer, were estimated to range upward from 400 dirhams (approximately \$110) per month for domestic or agricultural workers and from 600 dirhams (\$164) per month for construction workers. Highly skilled and white-collar employees generally received higher salaries.

According to the labor law, the workday is eight hours, and the workweek six days; however, these standards were not enforced. There were laws regulating minimum rest periods and hours worked, which varied depending on nature of work. There was no legal provision requiring overtime pay, nor was there a prohibition on excessive compulsory overtime. However, domestic workers are under the jurisdiction of the MOI and not regulated by the current labor laws. The unregulated conditions of domestic workers left them vulnerable to long work days and underpayment.

The law requires that employers provide employees with a safe work and living environment; however, despite recent increases in the number of MOL inspectors, the Government did not uniformly enforce health and safety standards. At year’s end there were 48 safety and health inspectors. The MOL also employed language interpreters to assist foreign workers in understanding employment guidelines.

Despite efforts to improve housing facilities, some low-skilled and foreign employees continued to face substandard living conditions, including overcrowded apartments or lodging in unsafe and unhygienic “labor camps,” which sometimes lacked electricity, potable water, and adequate cooking and bathing facilities. Construction of newer worker accommodations is ongoing.

On August 26, a fire killed 11 workers in a labor housing unit in Dubai. In response, the Dubai government sent warning notices to contractors to vacate 422 labor housing units for noncompliance with safety conditions.

The MOL requires a break from 12:30 p.m. to 3:00 p.m. for most outdoor laborers during July and August, the hottest months of the year; however, oil sector and asphalt and cement companies, among others, were not required to give their employees this midday break, putting workers at risk for heat exhaustion.

Domestic workers were routinely subject to physical, sexual, and emotional abuse. On June 5, a Fujairah court imposed a fine of 4,000 dirhams (approximately \$1,100) against a woman accused of beating her maids and breaking their bones.

Workers’ jobs were not protected if they removed themselves from what they considered unsafe working conditions; however, all workers have the right to lodge labor-related grievances.

During the year the press reported a number of cases of workers who were injured or killed on job sites due to inadequate safety measures. Although the law requires the Government to track job-related injuries and deaths, in practice the Government registers the cases but does not necessarily follow up on them.

YEMEN

Yemen, with a population of more than 21 million, is a republic whose law provides that the President be elected by popular vote from among at least two candidates endorsed by parliament. In 2006 citizens re-elected President Ali Abdullah Saleh to another seven-year term in a generally open and competitive election, characterized by multiple problems with the voting process and the use of state resources on behalf of the ruling party. Saleh has led the country since 1978. The President appoints the prime minister, who is the head of government. The prime minister, in consultation with the President, selects the Council of Ministers. Although there is a multiparty system, President Saleh’s General People’s Congress

Party (GPC) dominates the Government. Although civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

During an ongoing internal conflict that began in 2004, the Government used heavy force in an attempt to suppress the al-Houthi rebels in Saada governorate. In May the conflict spread for the first time beyond Saada to Bani Hushaish, a village on the outskirts of the capital. Both sides agreed to a fragile ceasefire in July. Although total deaths resulting from the conflict during the year are unknown, an estimated 1,000 government troops were killed and 3,000 wounded in the month of May alone. No reliable estimates for the number of rebel or civilian deaths were available.

Significant human rights problems persisted. There were limitations on citizens' ability to change their government due to corruption, fraudulent voter registration, and administrative weakness. There were reports of arbitrary and unlawful killings by government forces, politically motivated disappearances, and torture in many prisons. Prolonged pretrial detention, judicial weakness and fiat, serious corruption, and poor prison conditions were also problems. During the year excessive government force was reportedly used against participants in public demonstrations. Arbitrary arrest and detention and other abuses increased, particularly of individuals with suspected links to the Zaydi Shia al-Houthi movement in and around the northern governorate of Saada and to the series of political demonstrations in Lahj governorate in the southern part of the country. International humanitarian groups estimated that in the summer there were as many as 75,000 internally displaced persons (IDPs) as a result of the Saada conflict. By the end of the year, about 6,000 persons were living in refugee camps in Saada. Academic freedom was restricted. Restrictions on freedom of speech, the press, and peaceful assembly increased, and harassment and intimidation of journalists and oppositionists continued. Pervasive and significant discrimination against women continued to occur, as did child labor and child trafficking. The right of workers to associate was also restricted.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government committed arbitrary or unlawful killings during the year. Unlike in the previous year, politically motivated killings by the Government or its agents occurred during the year. Security forces reportedly killed or injured suspects during apprehensions and public demonstrations in actions that appear to have been politically motivated.

During protests in the southern governorates that took place throughout the year, security forces killed at least four persons and arrested and injured hundreds.

On January 13, security forces reportedly fired bullets and tear gas at demonstrators in the southern city of Aden, killing Saleh Abubakr al-Sayed, Mohamed Ali Mohamed, and Saleh Talib Saeed. No investigation into their death had been conducted at year's end.

On April 2, security forces in the city of al-Habileen in Lahj governorate reportedly arbitrarily fired upon and killed Abdelfatah Saif Abdullah while he was trying to enter the city. No investigation into his death had been conducted at year's end.

On November 15, police shot and killed 16-year-old Hisham Ahmed Muhsen during clashes between police and protesters demonstrating at a voter registration center in Lahj governorate. The police declined to comment and said they opened fire in self-defense. No investigation had been conducted at year's end.

No investigation had been conducted at year's end into the 2007 deaths of Muhammad Muhammad Ahmad al-Qadi, Muhammad al-Shoaibi, or Hashem Abdullah Yahya Hajar.

There were no new developments in the following unlawful death cases from 2006: Abed al-Osaily, a journalist from the newspaper Al-Nahar; killings in al-Jawf, Lahj, and Dhamar provinces during the time of the Presidential and local council elections; and police officer Muhammad Said Abdu while he was in custody.

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. In several cases longstanding tribal disputes were resolved through government-supported mediation by nongovernmental actors.

Other incidents of fatal shootings and violence continued throughout the year. In most cases, it was impossible to determine the perpetrator or motive, and there were rarely claims of responsibility. Some may have had criminal, religious, or political motives, and others appeared to involve land disputes or cases of tribal revenge.

Terrorist activity increased sharply during the year. Numerous attacks against government, foreign, and oil interests occurred, causing injuries and deaths.

On January 18, two Belgian tourists and a Yemeni driver were killed in Hadhramout governorate when four gunmen ambushed their four-car convoy. The Yemen Soldiers Brigade (YSB), an al-Qa'ida in Yemen (AQY) affiliated group, later claimed responsibility for the attack in addition to the July 2007 attack on a convoy of Spanish tourists in Ma'rib.

On March 18, mortars fired at a foreign embassy in Sanaa hit a neighboring girls' school. One embassy military guard and several schoolgirls were injured. In a March 21 statement, the YSB claimed responsibility for the attack.

On April 6, three mortars hit residential complex housing Western workers in Sanaa.

On April 30, two mortars hit the Customs Administration parking lot, causing a large explosion adjacent to a foreign embassy, which many believed to have been the intended target.

In May an AQY affiliated group claimed it mortared the Presidential palace in Sanaa, but no official statement was released acknowledging the incident.

In July AQY claimed responsibility for a suicide car bomb attack on a central security forces compound in Hadhramout governorate that killed eight persons.

On September 17, a suicide attack on an embassy in Sanaa killed 18 persons, including seven attackers. Islamic Jihad in Yemen, reportedly a second AQY affiliated group, claimed responsibility for the attack.

The country was contaminated with mines and unexploded ordnance as a result of several conflicts, including the 1962–70 war in the north between republicans and royalists, the 1963–67 war of independence in the south, the 1970–83 war against left-wing guerrillas, and the 1994 separatist war. The majority of mines were laid in border areas between the former North Yemen and South Yemen and in the southern governorates. Mines in the southern governorates were unmapped and strewn along beach areas and valleys that lead to the southern coast.

Beginning in April, there were several reports of the use of antipersonnel mines, including antitank and improvised mines, during the conflict in the northern Saada province between government troops and rebel forces led by Abdul-Malik al-Houthi. At least 60 people, including military personnel, were reportedly admitted to hospitals with injuries resulting from mine explosions in Saada. The media also reported at least four deaths from mine explosions in the region during the year.

According to the Yemen Executive Mine Action Center (YEMAC), eight people died from antipersonnel mines during the year. YEMAC tallied at least 18 mine and explosive remnants of war (ERW) casualties in 2007, including 12 killed and six injured. In 2006 there were at least 19 mine and ERW casualties, including seven killed and 12 injured, according to YEMAC.

At year's end YEMAC reported that approximately 215 square kilometers of land remained to be demined.

b. Disappearance.—During the year there were reports of politically motivated disappearances of individuals associated with southern protests and the conflict in Saada. These disappearances were generally characterized by short-term arrests and releases. Civil society groups accused the Government of using sporadic disappearances to intimidate the populace. There were also some reports of tribal kidnappings, traditionally carried out to attract government attention to specific grievances.

On March 31 the Political Security Organization (PSO), a security apparatus reporting to the President, raided the homes of and arrested three leaders of the southern political protests: Hassan Ahmed Baom, Ali Mounasser, and Yahya Ghalib Shuaibi. No information was provided as to their whereabouts until April 4, when a leading human rights organization gained access to them. The PSO released all three men in mid-September.

In March and April the PSO arrested approximately 35 other individuals related to the southern movement, including lawyers and journalists. They were reportedly held in isolation and some were moved from one prison to another to create confusion as to their whereabouts. In September President Saleh pardoned all of the detainees during Ramadan, a tradition in the country, and all were released from prison.

On April 7, security forces took Nahr Abdullah Abdulmalik and other persons from a hotel in Aden allegedly because of their participation in political demonstrations and sit-ins in the south. No information was provided as to their whereabouts until April 22, when a leading human rights organization gained access to them. Abdulmalik and the others were released on May 26.

On May 21, cleric and chairman of the dissolved al-Haq party's Shura Council Mohamed Miftah was kidnapped and detained in a PSO prison because of his alleged affiliation with the Saada conflict. The PSO denied holding him during his disappearance. He was released on September 12 by a pardon from President Saleh.

On June 30, human rights activist Luay al-Muayed was arrested, reportedly in connection with the Saada conflict. No information was provided as to his whereabouts until his September 12 release.

On July 7, Ali Yahya al-Imad was arrested, allegedly in connection with the Saada conflict. There was no information regarding his whereabouts at year's end.

A leading human rights organization recorded a total of 56 forcible disappearances during the year in connection with the fighting in Saada. Other human rights groups believe the number to be much higher.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, according to human rights non-governmental organizations (NGOs) and former detainees, authorities tortured and abused persons in detention. The PSO stated in the previous year that torture does not occur at its facilities and noted that new PSO officers must sign a document certifying that they recognize torture is illegal according to the laws and constitution of the country and that those who torture prisoners will be punished according to the law. The 2008 Amnesty International (AI) report alleged that many detainees were tortured in PSO custody. Reported torture tactics included beatings with fists, sticks, and rifle butts; scalding with hot water; excessively tight handcuffs; prolonged blindfolding; denial of water and access to toilets; and death threats. Sleep deprivation and solitary confinement were other forms of abuse reported in PSO prisons.

Ministry of Interior (MOI) officers reportedly used force during interrogations, especially against those arrested for violent crimes. Penal law, based on the Government's interpretation of Shari'a (Islamic law), permits amputations and physical punishment such as flogging for some crimes. AI reported that floggings occurred during the year in cases related to alcohol consumption and sexual offenses.

Government sources acknowledged that torture occurred; however, they claimed that torture was not official policy.

The domestic NGO National Organization for Defending Rights and Freedoms (HOOD) alleged that Adel al-Azani died on May 18 as a result of torture in a Criminal Investigation Department (CID) prison. Security elements reported that al-Azani's cause of death was suicide. His family, however, affirmed that al-Azani died of torture, reporting that wounds were still visible on his body when they retrieved him from the prison.

During the year, the Ministry of Human Rights (MOHR) reported it received 16 complaints concerning the alleged torture of individuals at the hands of the National Security Bureau (NSB) and the Criminal Investigative Department (CID). Throughout the year the MOHR followed up on cases of torture that were either reported in the press or were forwarded to the ministry from NGOs.

No investigation had been conducted at year's end in the 2007 torture case of Shaif al-Haimi. In January 2007 National Security Bureau (NSB) officers allegedly broke into al-Haimi's house and arrested him on charges of theft and disguising himself as an NSB officer. Al-Haimi alleged that authorities tortured him during his one-month prison detention, paralyzing his right hand. Human rights groups accused the authorities of fabricating the charge of impersonating an NSB officer as a pretext to involve the NSB. The NSB said al-Haimi injured himself after a partner in crime confessed to their guilt. Al-Haimi was re-arrested and then released for health reasons in October 2007. At year's end he was still awaiting trial in a Ministry of Justice (MOJ) specialized criminal court.

There were reports that the MOI's CID routinely used torture to obtain confessions. Defense attorneys and some NGOs claimed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. The MOI denied that torture was part of its policy. Local NGOs asserted that in several instances in which prison abuse cases were referred to the Attorney General's office for prosecution, the complainants withdrew their cases after being threatened. Government sources denied this allegation.

The MOHR was unable to provide any updated information on the torture case of Muhammad Saleh al-Amari, which it first reported to the cabinet in June 2007. Al-Amari was detained by the security department for seven months at the Radaa Central Prison in al-Bayda governorate for allegedly refusing to disclose information on a murder case. He said he was tortured during his detention.

Security forces reportedly beat detainees and prisoners during the year.

The 2007 case of Azim Hasan Abdullah al-Wosabi was ongoing at year's end. According to a leading local NGO, al-Wosabi was beaten when he was arrested for

stealing in May 2007. He was transferred to a rehabilitation center the day after his arrest with wounds still visible from the beating. Al-Wosabi was released from the rehabilitation center in December 2007. The officer accused of beating al-Wosabi, Jamal Abdul Naser al-Maghreb, was ordered to court during the year. His case was still with the courts at year's end.

During the year, 21 CID detainees who were arrested and held without trial or charges against them in 2006 were released and referred to the public funds prosecution. The detainees, who held a one-week hunger strike in May 2007, said they would sue the CID for material losses and psychological complications resulting from alleged mistreatment in prison, according to the Web site NewsYemen.

On December 14, three foreigners were kidnapped by tribal members in the Bait Bous area of Sanaa. The captives were released unharmed on December 19 after the Government reportedly paid the tribe's requested ransom.

Prison and Detention Center Conditions.—Local and international observers reported that prison conditions remained poor and did not meet internationally recognized standards. The MOHR and a number of NGOs were granted limited access to MOI prisons. The Government severely limited access to PSO prisons by independent human rights observers, a claim the PSO denied in 2007.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions and inadequate food and medical care. In some cases, prison authorities extracted bribes from prisoners to obtain privileges or refused to release prisoners who had completed their sentences until the prisoners' family members paid the authorities.

Women were held separately from men under equally poor conditions. However, men's and women's prisons differed in important respects. By custom, young children and babies born in prison were likely to remain in custody with their mothers. Local tradition requires male relatives of female prisoners to arrange for their release. Female prisoners regularly were held in jail after the end of their sentences when male relatives refused to authorize their release because of the shame associated with the arrest of a female family member.

In some rural and women's prisons, children were held with adults, and pretrial detainees were held with convicted criminals. Security and political detainees generally were held in separate facilities operated by the PSO.

Unauthorized "private" prisons in rural areas, often controlled by tribes, continued to operate. Tribal leaders misused the prison system by placing "problem" tribesmen in private jails, either to punish them for noncriminal actions or to protect them from retaliation. At times such prisons were simply rooms in a tribal sheikh's house. Persons were often detained in such prisons for strictly personal or tribal reasons without trial or judicial sentencing. Although senior government officials did not officially sanction these prisons, there were credible reports of the existence of other private prisons located within government installations.

Persons with mental illness who had committed crimes were imprisoned without adequate medical care. The MOI denied this charge and asserted that nurses and doctors watched over mentally ill detainees. In some instances, authorities detained without charge persons with mental illness and placed them in prisons with criminals. The MOI reported that at times, family members brought mentally ill relatives to MOI-run prisons, asking officers to imprison the individuals. At year's end, MOI-run prisons in Sanaa, Aden, and Taiz operated in conjunction with the Red Crescent semi-autonomous units for prisoners with mental illnesses; conditions in these units were reportedly deficient. In 2005 the MOI requested from the cabinet that the Ministry of Health (MOH) establish centers for mentally ill detainees. At year's end, neither the cabinet nor the MOH had acted on this request.

Limited access was granted to family members of PSO-held detainees, but requests for access by parliamentarians and NGOs to investigate human rights violation claims were routinely denied. PSO argued, however, that visitors failed to comply with proper notification procedures, necessitating refusal of access.

Individuals working for NGOs were allowed to meet with MOI prisoners as private visitors. Representatives of the MOHR met with domestic NGO monitors and responded to inquiries, particularly in matters relating to prisoners. NGOs had no access to CID prisons.

The MOHR stated that it visited nine prisons in nine governorates and four detention centers in Sanaa during the year and in March recommended improvements for prison and detention facility conditions to the cabinet. The MOHR reports that most of its recommendations from the July 2007 report on prisons were implemented, such as the separation of incarcerated adults and minors and providing educational instruction to prisoners.

Since 2004 the International Committee of the Red Cross (ICRC) has suspended visits to PSO prisons, citing a lack of PSO agreement to ICRC's universally applied procedures, which include regular access to and private interviews with all detainees to assess the conditions of detention and treatment. In response to the conflict in Saada during the year, the ICRC sought to visit detainees according to its standard procedures. By year's end no visits had been made and ICRC dialogue with the authorities to obtain access to all PSO places of detention was ongoing.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government generally did not observe these prohibitions. Enforcement of the law was irregular and in some cases, particularly those involving suspected security offenses, was nonexistent.

Role of the Police and Security Apparatus.—The primary state security and intelligence-gathering apparatuses, the PSO and the NSB, report directly to the President. Many of the NSB's duties are not clearly defined and appear to overlap with those of the PSO. The police CID reports to the MOI and conducts most criminal investigations and arrests. The Central Security Organization (CSO), also a part of the MOI, maintains a paramilitary force.

Corruption was a serious problem throughout these security and intelligence organizations. There were no public governmental investigations of police corruption during the year. Some police stations reportedly maintained an "internal affairs" section to investigate security force abuses, and citizens had the right to file complaints with the prosecutor's office. However, enforcement of this right was irregular and there were no effective investigations reported. MOI also had a fax line for citizens to file claims of abuse for investigation. It was unknown at year's end how many fax complaints MOI received and how many it investigated.

Arrest and Detention.—The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons. A detainee must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than seven days without a court order. Despite the law, arbitrary arrest and prolonged detention without charge or, if charged, without a public preliminary judicial hearing within a reasonable time were common practices. For example, numerous southern demonstration leaders and persons with alleged associations to the al-Houthi movement were arbitrarily arrested throughout the year and detained for prolonged periods of time. A leading human rights organization asserted that there were more than 200 of these cases during the year.

The law prohibits incommunicado detention and provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present; however, these rights were not always respected. The law states that the Government must provide attorneys for indigent detainees, but in practice it often did not do so. Almost all rural cases were reportedly settled out of court with tribal mediators. There are legal provisions for bail; however, some authorities abided by these provisions only if bribed.

Citizens regularly claimed that security officials did not observe due process when arresting and detaining suspects and demonstrators. Members of the security forces continued to arrest or simply detain persons for varying periods of time without charge, family notification, or hearings. Detainees were often unclear as to the investigating agency, and the agencies frequently complicated the situation by unofficially transferring custodial authority of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated that they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The MOI and the PSO operated extrajudicial detention facilities; both MOI and PSO denied this claim. Unauthorized private prisons also existed. During the year, Yasser Abdullah al-Idrisi, the last of the 2007 Yemen Economic Corporation (YECO) prisoners, was released and referred to the public funds prosecution. In November 2007 a leading local NGO visited an unauthorized private prison within YECO, formally under the Ministry of Defense (MOD), and confirmed that five persons were being detained in a small room adjacent to the main building. The four other detainees were released shortly after the visit.

Other unauthorized private prisons reportedly existed at the National Drug Company, the Yemen Television Corporation, the MOI, and the Ministry of Religious Guidance. Local NGOs considered these prisons unconstitutional and called for their abolition. The MOI claimed it did not operate unauthorized private prisons.

There were numerous reports that security forces arrested hundreds of individuals in relation to the Saada conflict and the southern political demonstrations and detained them without charge.

Members of the security forces continued to detain journalists for publishing articles the Government deemed controversial.

During the year, the Government also continued to detain suspects accused of links to terrorism, at times without due process. At year's end it was unknown how many persons the Government held on suspicion of terrorist affiliations or activities. A large percentage of the total prison population consisted of pretrial detainees, some of whom had been imprisoned for years without charge. In 2007, a leading human rights NGO estimated the number to be between 50 and 100 persons, attributing the significant decrease to amnesties and prison escapes. In February 2006 the MOI reported that 172 individuals were being held for suspected terrorism links.

Amnesty.—Prisoners related to the Saada conflict were arrested, released, and re-arrested in what local human rights NGOs referred to as a “revolving door” policy. This practice made it difficult to enumerate how many prisoners were released during the year. According to September 2007 press reports, President Saleh ordered the release of 67 prisoners detained on charges of suspected links with the al-Houthi movement. In October 2007, Saleh granted a general amnesty and released approximately 300 prisoners on the occasion of Eid al-Fitr.

e. Denial of Fair Public Trial.—The constitution provides for an autonomous judiciary and independent judges; however, a weak judiciary was severely hampered by corruption and executive branch interference.

Many litigants maintained, and the Government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained, and some were closely associated with the ruling party. The judiciary was further hampered by the Government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

The judicial system is organized in a three-tier court structure. Courts of first instance are broadly empowered to hear all civil, criminal, commercial, and family matters. A single judge may hear a case in these courts. Decisions taken in the courts of first instance may be appealed to the Courts of Appeal, of which there is one in each province and one in the capital. Each Court of Appeal includes separate divisions for criminal, military, civil, and family issues. Each division is composed of three judges.

Above the Courts of Appeal is the Supreme Court, which is empowered to settle jurisdictional disputes between different courts, hear cases brought against high government officials, and serve as the final court of appeal for all lower court decisions. The Supreme Court has eight separate divisions: constitutional (composed of seven judges including the chief justice), appeals scrutiny, criminal, military, civil, family, commercial, and administrative. The Supreme Court has special panels empowered to determine the constitutionality of laws and regulations.

In addition to the regular hierarchy of courts, there are courts for military, juvenile, tax, customs, and labor matters whose decisions may be appealed to the Courts of Appeal.

A specialized criminal court, not a military tribunal, was first established in 1999 under the MOJ to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a “public danger,” such as banditry and sabotage. However, cases that were not security-related were referred to this court during the year. According to a leading local NGO, this court does not provide defendants with the same rights provided in the regular courts. AI and local NGOs reported specialized criminal courts to be unconstitutional. Defense lawyers reportedly did not have full access to their clients' charges or relevant government-held evidence and court files.

Trial Procedures.—Laws are based on a mixture of Egyptian laws, Napoleonic tradition, and Shari'a. The law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters. There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. By law, the Government must provide attorneys for indigent defendants in serious criminal (felony) cases; however, in practice, provision of legal counsel did not always occur. By law, prosecutors are a part of the judiciary and independent of the Government; however, prosecutors also investigate criminal cases. The police were generally weak and played a limited role in developing cases.

The security services continued to arrest, charge, and submit cases to the prosecutor's office to try persons alleged to be linked to shootings, explosions, and other acts

of violence. Citizens and human rights groups alleged that the security forces and the judiciary did not normally observe due process.

The accused are considered innocent until proven guilty. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. All defendants, including women and minorities, have the right to appeal their sentences. Trials were generally public, but all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes complained of biased rulings.

In addition to regular courts, there is a system of tribal adjudication for non-criminal issues; in practice, tribal judges often adjudicated criminal cases. The results carried the same if not greater weight than court judgments. Persons jailed under the tribal system usually were not charged formally with a crime, but were publicly accused of their transgression.

Parliament has exclusive jurisdiction over executive branch officials and their representatives for crimes including bribery, interference, and embezzlement. No government official was investigated or tried under this law during the year.

Political Prisoners and Detainees.—The number of political prisoners or detainees and conditions in which they were held was unclear. PSO reported in 2007 that no political prisoners were detained in PSO prisons. Human rights activists were able to provide limited data on any such persons, and access to such detainees by local or international humanitarian organizations was severely restricted or not permitted. During the year, there was a significant increase in the number of political prisoners and detainees related to the southern protest movement (*See* Section 1.g.).

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, there were limitations in practice. In 2006 local NGO HOOD filed the first-ever civil suit against the President, on behalf of Ahmad Ali bin Maeili. Maeili claimed the PSO detained him without charge for six years. After the court rejected the case, HOOD appealed to the Supreme Court. Maeili's case remained with the court of appeals at year's end.

f. Arbitrary Interference With Privacy, Family Home or Correspondence.—The law prohibits such action; however, police forces from the PSO and MOI routinely searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and MOI rejected these claims. According to the PSO, the attorney general must personally authorize monitoring of telephone calls and reading of personal mail and e-mail. The PSO reported that to do a house search, it first obtains a warrant and a signed certification by the head of the neighborhood, and officers are accompanied on the search by two neighbors who serve as witnesses.

Local NGOs and journalists reported an increase in interference due to the Saada conflict and southern political discontent. For example, journalist Abdelkarim al-Khaiwani was re-arrested and in June was sentenced to six years in jail for alleged connections with terrorism and the war in Saada. He was released in September. Another journalist who covered both topics, Mohamed al-Maqaleh, was arrested on April 22, allegedly on charges of humiliating the judge in al-Khaiwani's trial. Al-Maqaleh was released on August 29.

Throughout the year various human rights activists and journalists reported receiving repeated threatening phone calls throughout the day and into the night. Activists and journalists charged this is a form of intimidation by authorities attempting to quiet the opposition, most specifically in regard to the Saada conflict and southern political discontent.

The law prohibits arrests or the serving of a subpoena between sundown and dawn; however, there were reports that persons suspected of crimes were taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI, but this regulation does not carry the force of law and appeared to be enforced irregularly.

In other cases, detention of family members continued while the concerned families negotiated compensation for the alleged wrongdoing. Arbitration and mediation by families, tribesmen, and other nongovernmental interlocutors were commonly used to settle such cases.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year, fighting continued between the Government and the al-Houthi rebels of Saada in the conflict that initially began in 2004. The conflict spread in May to Bani Hushaish, a village on the outskirts of the capital. The Government repeatedly used heavy force in an attempt to suppress the rebels' uprising, which was suspended with a fragile ceasefire in July. The Government also reportedly used excessive force

to suppress southern demonstrations during the year. A leading human rights organization claimed there were more than 200 cases of arbitrary arrests of individuals linked to these internal issues during the year.

According to an October Human Rights Watch (HRW) report, since 2007, the extent of arbitrary arrests and “disappearances,” mainly in the context of the Houthi rebellion but also relating to the Government’s domestic counterterrorism efforts and its crackdown on social unrest in the southern part of the country, expanded. Estimates of the numbers of persons disappeared or detained vary—local NGOs have documented dozens of disappeared persons, and hundreds arbitrarily arrested since 2004. In August, according to HRW, officials spoke of approximately 1,200 political prisoners still detained, some 130 of whom were gradually being released. On August 31, President Saleh ordered the release of 131 detainees arrested in the context of the Saada conflict. On September 24, a credible NGO reported that at least 63 persons remained arbitrarily detained as a result of the Saada conflict.

According to HRW, among those released in August are former mediation committee member Shaikh Salih al-Wajman, who had been jailed at the MOI for two years, and Shaikh Naji Bukhtan and dozens of other detained Houthi loyalists.

During the year HRW investigated 62 cases of disappearance and arbitrary arrest linked to the Houthi rebellion. In nearly all of the cases, arresting officials did not identify themselves or inform the detainee or his family why he was being arrested and where he was being taken. The families of persons forcibly disappeared did not know for weeks or months after their arrest whether their loved ones were alive, who their captors were, or where their relatives were being held.

Despite the July pause in hostilities, security forces continued to arbitrarily arrest persons from the conflict areas. Since 2004, an estimated 130,000 persons have been displaced from their homes in the northern governorates, although some may have returned since July. Displaced persons in the capital remained extremely fearful of arrest. Earlier in the year the Government arrested persons who had attempted to visit recent conflict areas to assess damage to their property or to bring trapped relatives to safety.

In 2007 approximately 100 individuals from Saada were reportedly arbitrarily arrested and detained for suspected links with the al-Houthi movement. Authorities forcibly removed approximately 45 individuals, including some minors, from Saada and imprisoned them in the neighboring governorate of Hajja. There were reportedly 50 Saada detainees in Sanaa and 22 in Dhamar at the end of 2007. During the year, many of these were released, but others were arrested. Human rights organizations referred to the Saada arrests as a “revolving door” policy. Local NGOs accused the Government of illegal and inhumane treatment of these detainees.

No investigation had been conducted at year’s end into the Badr Center intimidation case. In October 2007 the Yemen Times reported that 14 military vehicles loaded with security personnel attacked the Badr Center for Islamic Studies in Sanaa after the head of the center, Dr. Al-Murtadha al-Mohatwari, demanded the releases of Saada detainees. Security authorities reportedly destroyed the main gate of the center.

There were no reliable estimates of numbers of rebels and civilians killed at year’s end. An estimated 1,000 government troops were killed and 3,000 wounded in May. International NGOs providing humanitarian assistance in Saada estimated there were approximately 70,000 internally displaced persons (IDPs) from the Saada conflict.

In the wake of the Saada conflict, fighting broke out in November between the al-Osaimat tribe and al-Houthi-aligned Harf Sufian tribe in Amran governorate and continued through December. According to unsubstantiated local reports, half or more of the fighters were children ranging from 12 to 15 years of age.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press “within the limits of the law;” however, the Government did not respect these rights in practice. The 1990 Press and Publication Law criminalizes “the criticism of the person of the head of state...[that] does not necessarily apply to constructive criticism,” the publication of “false information” that may spread “chaos and confusion in the country,” and “false stories intended to damage Arab and friendly countries or their relations” with the country. The country’s security apparatus, including the NSB and elements of the military, threatened and harassed journalists to influence press coverage. Self-censorship was practiced during the year.

The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and ownership of the country’s sole television and radio outlets. Three independent newspapers and no opposition newspapers owned

their own presses. According to the Yemeni Journalist Syndicate (YJS), there were approximately nine government-controlled, 50 independent, and 30 party-affiliated newspapers in the country. There were approximately 91 magazines, including 46 private, 27 government-controlled, and 18 party-affiliated magazines. The Government selected the items to be covered in news broadcasts and rarely permitted broadcasts critical of the Government. The Government televised parliamentary debates and occasionally permitted broadcasts of aggressive criticism of ministries.

Press law specifies that newspapers and magazines must apply annually to the Government for licensing renewal and that they must show continuing evidence of 700,000 riyals (approximately \$4,375) in operating capital. There were reports that authorities made the registration process bureaucratically impossible for opposition figures or organizations, while pro-government or tribal newspapers were said to have received licenses immediately. Although exact numbers were unavailable during the year, sources indicated that very few licenses were granted and others were denied outright.

On March 4, according to a leading human rights organization, the Ministry of Information instructed printing houses not to print Al-Sabah weekly newspaper in retaliation for its coverage of protests in the south and for "criticizing the President."

On April 5, Minister of Information Hassan al-Lawzi issued a decree cancelling the license of Al-Wasat newspaper due to its publication of "materials prohibited by the law and against the national unity."

On April 22, Mohamed al-Maqaleh, editor-in-chief of Ishtiraki.net, was arrested on charges of humiliating the judge after laughing in court during the trial of journalist Abdelkrim al-Khaiwani. Al-Maqaleh was released on August 29.

During the year the Ministry of Information also refused to grant journalist Fikri Qasim a license to publish the newspaper Hadith al-Medina (Talk of the Town).

In June 2007 the Government suspended the text message news service sponsored by Women Journalists Without Chains (WJWC). The head of WJWC, Tawwakul Karman, unsuccessfully appealed the decision. The Government instead suspended all text message news services, eventually restoring all except those of WJWC and the Islal-affiliated Nass Mobile Service. Karman staged sit-ins throughout the summer of 2007 in an attempt to overturn the ruling. At year's end WJWC's news text message service remained suspended, despite a parliamentary order allowing it to be reestablished, according to WJWC.

In August 2007 a group of journalists and human rights activists released a list of individuals and groups responsible for violating press freedom since 2005. Violations included banning the issuance of papers, preventing journalists from practicing their duties, shutting down newspapers, beatings, harassment, and detention. Names of ministers and heads of government offices were included on the list. In November 2007 during a regional civil society conference in Sanaa where the list was displayed on a banner, a member of the PSO confiscated the banner and held it for the remainder of the conference. According to the PSO, the officer involved did not act on official orders and was reprimanded for confiscating the banner.

Physical attacks against journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance.

Harassment of journalists who reported on the Saada conflict continued during the year. According to an October HRW report, the Government attempted to prevent news about the details of the Saada conflict from becoming public by preventing journalists and humanitarian workers from going to the conflict zone, by disconnecting all but a select number of mobile telephone numbers in the governorate, by threatening journalists not to report on the conflict, and by arresting persons who transmitted information about the impact of the fighting or who could have such information because they had recently left the area.

On June 30, according to HRW, security forces arrested Lu'ai al-Mu'ayyad, editor of the Web site yemenhurr.net (Free Yemen), where he published critical reports on the Saada conflict. He was released by the end of the year.

On July 20, freelance Dutch journalist and videographer Willem Marx, along with his guide and interpreter, Ali al-Bukhaiti and Muhammad al-Bukhaiti, was stopped at a checkpoint half an hour outside Sanaa on their way to Ma'rib to report on the Saada conflict. They were escorted back to Sanaa by an intelligence officer and a soldier. Ali and Muhammad al-Bukhaiti were detained at National Security offices on the outskirts of Sanaa and Marx was escorted to the airport and summarily deported the same day. Authorities released Muhammad al-Bukhaiti the week of September 13, but Ali al-Bukhaiti remained detained at an unknown location at year's end.

On September 24, President Saleh ordered the release from prison of journalist Abdelkarim al-Khaiwani after he was sentenced to six years in jail on June 9 on charges of conspiring to overthrow the Government and belonging to an armed group, the "Sanaa terrorist cell." In August 2007 a group of men, reportedly government officials, forcibly removed al-Khaiwani from the street and put him into a car, where he was beaten. Al-Khaiwani had been released on bail in July 2007 after authorities arbitrarily arrested and detained him. Al-Khaiwani was taken to a remote location in Khawlan district, approximately 9 miles from Sanaa. His captors allegedly tortured him and threatened that if he continued to write against his "masters," he and his wife and three children would be killed. His kidnappers stole his mobile phone and money and left him in Khawlan, after which he went to the hospital.

The July 2007 case of Al Shari'e newspaper was ongoing at year's end. In July 2007, 10 armed men in two military vehicles broke into the office of the newly established Al Shari'e newspaper, reportedly searching for its owners and editors, Nayef Hassan and Nabil Subaie, who were not there at the time. The intruders allegedly confiscated electronics. In July 2007 the defense ministry filed a complaint against Al Shari'e for publishing military secrets in reference to the Saada investigation. According to the law, cases related to the media are arbitrated by the Press and Publication Prosecution Office; however, Subaie and Hassan's cases will be tried by the specialized courts for terrorist-related activity. Al Shari'e is reported to be the first newspaper to be tried in a specialized criminal court.

No investigation had been conducted at year's end into the October 2007 attack on journalist Saddam al-Ashmori, who was attacked by more than 10 men during his coverage of demonstrations at Freedom Square in Sanaa. Al-Ashmori, who works as a freelance reporter for The Yemen Times, suspected that the attackers were plainclothes security officials. Police and other security officials who were present claimed they did not witness the incident.

There were no developments in the following cases: the November 2006 attack and brief detention of al-Jazeera correspondent Ahmad al-Shalafi and his cameraman, Ali al-Baidhani; the March 2006 abduction and assault of Qaed al-Tairi, journalist for the Socialist Party weekly Al-Thawri; the April 2006 attack on journalist Abdulfatah al-Hakimi; and the April 2006 reported death threats against Abed al-Mahthari, editor-in-chief of the independent weekly Al-Deyar.

There were no new government cloned newspapers during the year. In a 2005 attempt to counter dissent, elements close to the Government or security apparatus cloned two newspapers, Al-Shura and Al-Thawri. The Government published newspapers with similar names, fonts, and colors, but carried more pro-government editorials and stories. The Al-Thawri clone ceased publication in 2005 after several weeks, but the Al-Shura clone continued publishing at year's end.

At times, customs officials confiscated foreign publications regarded as pornographic or objectionable due to religious or political content. During the year there were some reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

Book authors were required to obtain certification from the Ministry of Culture (MOC) for publication and to submit copies to the ministry. Publishers sometimes refused to deal with an author who had not yet obtained certification. Most books were approved, but the process was time-consuming. There were reports that both the MOC and the PSO monitored and sometimes removed books from store shelves after publication. A 2005 ban continued on publishers distributing books that espoused Zaydi-Shiite Islamic doctrine or were deemed pornographic. The Government denied that the media were subject to censorship by any security apparatus.

Internet Freedom.—The Government restricted Internet use by intermittently blocking access to some political and religious Web sites and to sites deemed immoral. During the year the Government reportedly blocked a number of independent and opposition news Web sites, such as al-Shura.net and Ishtiraki.net, and the Web site for the independent weekly Al-Ayyam newspaper. Adenpress.com, a Web site that covered the southern demonstrations, was intermittently blocked during the year. Yemenhurra.net, a Web site that covered the Saada conflict, was blocked at times, and on at least one occasion the content was allegedly changed by government officials.

The International Telecommunication Union estimated in 2007 that 156,000 of the country's population subscribed to the Internet, with 320,000 total users. Many could not afford the Internet, or were unfamiliar with the equipment and services needed to access it. The Government limited the Internet content its citizens could access, using commercially available filtering technology and by controlling its two Internet service providers, TeleYemen (operators of the service YNET) and

YemenNet, through the Ministry of Telecommunications and Information Technology. Human rights and other NGOs complained that the Government restricted what journalists could write and how citizens used the Internet through a variety of intimidation tactics. Limited Internet access was available from homes or Internet cafes in major urban areas.

Academic Freedom and Cultural Events.—The Government restricted academic freedom, claiming it was necessary due to the politicization of university campuses. Political parties frequently attempted to influence academic appointments, as well as university faculty and student elections. During the year security officials were present on university campuses and at intellectual fora. PSO representatives had permanent offices on the campuses. Government informers monitored the activities of professors and students, especially those who were alleged affiliates of opposition parties. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them, and favoritism was commonly shown toward affiliates or supporters of the ruling General People's Congress (GPC) party.

A 2005 ban was intermittently enforced on new student associations at Sanaa University. Opposition sources contended that this regulation was not enforced against GPC-affiliated organizations.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government limited this right in practice. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored many meetings and assemblies.

The Government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence.

On January 13, security authorities violently broke up a demonstration in Aden by southern military retirees, unemployed youth and opposition figures. According to a leading local human rights NGO, the Government reacted with tear gas and live bullets, leading to three deaths, 10 injured, and 27 detained.

On March 30, a sit-in in Dhale' of more than 200 young men protesting the lack of acceptance of southerners into military service was broken up by security authorities with live bullets and tear gas. No deaths or injuries were reported.

On April 6, the opposition coalition Joint Meeting Parties organized a sit-in in Taiz in solidarity with arrested artist Fahd al-Qarni and with those detained in previous demonstrations. This led to the arrest of 10 protestors, who were released the same day.

On April 8, civil society organizations attempted a sit-in in Sanaa to demand the right of freedom of assembly and in solidarity with those detained in relation to the southern movement and the Saada conflict. Security apparatuses, however, blocked access to Freedom Square, the location of the sit-in, and prevented the sit-in from taking place.

On July 7, massive rallies organized by southern activists took place in Aden and Dhale' in which protestors demanded, according to a human rights NGO, "the lifting of the northern military campaign from the southern governorates." Security authorities dispersed the crowds with tear gas and live bullets, and increased the presence of security in southern governorates, including additional roadblocks and checkpoints in Aden. According to a leading human rights NGO, a wide arrest campaign followed in which 306 protestors were detained in Aden, 18 protestors were detained in Dhale', and numerous others were wounded. The same NGO reported that all detainees were released from confinement in September and October.

In August 2007 clashes occurred between security forces and students enrolling at Sanaa University, with one student reported injured and taken to the hospital after a security official beat him on the head with the back of his pistol. Reportedly the incident coincided with student protests against the admissions committee at the Faculty of Trading and Commerce, accusing the faculty of distorting the admissions process.

After the 1994 civil war, the northern government forced thousands of southern military and civilian officials to retire. These individuals have continued to demand reintegration compensation and other redress and were especially active in 2007. Their movement expanded throughout the year with significant southern political support.

Freedom of Association.—The law provides for freedom of association, and the Government nominally respected this right in practice; however, the ruling party retained control of professional associations by influencing internal elections and subsidies. According to local observers, there were approximately 20 legally recognized NGOs independent of the ruling party operating in the country.

All associations, including NGOs, are required to register annually with one of four ministries: Social Affairs and Labor (MSAL), Culture, Education, or Vocational

Training and Technical Education. The Government cooperated to varying degrees depending on the issues with legally recognized NGOs, which by law were provided with an annual stipend. Some ministries reportedly harassed NGOs critical of the Government by denying their annual registration and subsidy. For example, the Yemeni Journalist Syndicate (YSJ) reported it had not been issued its stipend for the year. The MSAL also refused to register Women Journalists Without Chains (WJWC) or HOOD, both NGOs that were often critical of the Government.

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders, verified in a court of law, and 2,500 members. In March 2007 the opposition al-Haq Party was dissolved for reportedly violating the Political Parties Law. However, civil society observers claim the party was abolished due to its affiliation with the al-Houthi rebels and for its Zaydi appeal. There were no political parties dissolved during the year.

c. Freedom of Religion.—Neither the constitution nor other laws protect or inhibit freedom of religion. The Government generally respected religious freedom in practice; however, there were numerous violations and restrictions. The constitution declares that Islam is the state religion and that Shari'a is the source of all legislation.

Government actions to counter the increase in political violence restricted some religious practice. The Government took actions to counter the increase in political violence as a result of the uprisings by the al-Houthi rebels in the northern Saada governorate. Unlike the four previous years, the Government allowed the people of Saada to celebrate Ghadeer Day, a holiday celebrated by some Shia. However, media outlets reported that government officials used the occasion to arrest individuals allegedly associated with the Houthis. According to an October HRW report, the Government cracked down on Hashemite preachers and scholars in Zaidi religious institutions and mosques, apparently conflating the religious motivations that gave rise to the original Believing Youth movement with armed rebellion. HRW in October documented 14 cases of arrests where Hashemite identity or one's profession as a Hashemite scholar or preacher appeared to be the paramount reason for the arrest.

The Government also reportedly limited the hours that mosques were permitted to be open to the public and reassigned some imams who were thought to espouse Shia ideology or Zaydi doctrine, replacing them with Shafi'i or Salafi preachers.

Non-Muslims were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, Shari'a, as interpreted by the Government, forbids conversion from Islam and prohibits non-Muslims from proselytizing. The Government enforced this prohibition. The Government required permission for the construction of all places of worship and the constitution prohibited non-Muslims from being elected to the presidency or parliament. Non-Muslim citizens may vote but may not hold elected office.

Under the Government's interpretation of Islam, the conversion of a Muslim to another religion is considered apostasy, which the Government considers a crime punishable by death. There were reports of arrests in cases related to proselytizing or apostasy during the year.

In June a convert to Christianity and two of his associates were reportedly arrested in Hodeida for "promoting Christianity and distributing the Bible." They were allegedly transferred by the authorities to a jail in Sanaa. Four other associates who evaded capture were also sought by the authorities. No further information was available at year's end.

On June 20, seven Baha'is (two Yemenis, four Iranians, and one Iraqi) were arrested in their homes during raids by police. The two Yemenis were subsequently released. The Government released the four foreign detainees in October and gave them two months to leave the country or face deportation. The Baha'is remained in the country at year's end.

Official policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature; however, in previous years there were reports of persons being harassed and temporarily detained for possession of religious materials with the intent to proselytize.

Catholic, Protestant, Ethiopian Orthodox Christian, Jewish, and Baha'i services were held without government interference.

Public schools provided instruction in Islam, but not in other religions; however, most non-Muslims were foreigners who attended private schools. Jewish citizens also had private schools where Hebrew and Judaism were taught.

In 2007 the Government shuttered 1,500 schools, bringing to 4,500 the total number of schools closed because they were deemed to have deviated from educational requirements or promoted militant ideology. At the same time, the Ministry of Endowments and Religious Guidance reportedly opened government-approved schools

in the areas where schools had been closed. Private and national schools were prohibited from teaching courses outside the officially approved curriculum. The Ministry of Endowments and Religious Guidance indicated that an unknown number of school closures continued throughout the year.

The Government also deported foreign students found studying in unlicensed religious schools. There were credible reports that authorities banned publishing of some materials that promoted Zaydi-Shiite Islam.

The Ministry of Endowments and Religious Guidance reported that it conducted several training sessions and workshops targeted at imams and other religious clerics with the goal of promoting moderation and tolerance.

Societal Abuses and Discrimination.—There were isolated incidents of anti-Semitism. In January 2007 the historic Saada community of 45 Jews was relocated to Sanaa after being threatened by a follower of the al-Houthis. Since fleeing their homes, the community has been under government protection in Sanaa. In April a large group of men entered, ransacked, and destroyed two homes in Saada governorate belonging to a member of the Jewish community now living in Sanaa. The attack was believed to have been the work of al-Houthi rebels.

Jewish residents of Rayda and Bait Harrash in Amran governorate experienced increased acts of violence, threats, and harassment by their Muslim neighbors. In one case, a bullet was fired into a water tank on the roof of one of the community's homes while a member of the family was on the roof. Government authorities investigated the case and arrested the perpetrator, who remained incarcerated at year's end.

On December 11, Moshe Yaish Nahari, a prominent community member and teacher in Reyda, was murdered, allegedly by a religious extremist. The man accused of the murder was immediately arrested and his trial was ongoing at year's end.

In the weeks following the murder, the Reyda Jews reportedly could not leave their homes and Jewish children stopped going to school for fear of further violence. On December 14, an explosive device was thrown at a Jewish home.

Jewish citizens, who number fewer than 500 in the country, are excluded from certain occupations by social pressures and are not eligible to serve in the military or Federal Government. A General Election Committee policy bars all non-Muslims from running for parliament.

Following the January commencement of the third phase of fighting between the al-Houthi rebels and the Government, some Zaydis reported harassment and discrimination by the Government. Authorities reportedly targeted and harassed Sayyid Zaydi families, who are believed to be descendants of the Prophet Muhammad.

In Dhamar, celebrations of al-Ghadeer, a Shia holiday, in late December resulted in violent clashes that left four killed and six injured.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, and the Government respected them with some restrictions. The Government limited the movement of women, foreigners, and tourists. The two latter groups were required to obtain government permission before leaving the country. In practice the Government did not obstruct domestic travel; however, the army and security forces maintained checkpoints on major roads. Internally displaced persons were a problem.

In certain areas armed tribesmen occasionally manned their own checkpoints or operated alongside military or security officials and subjected travelers to physical harassment, extortion, or theft.

Although not required by law, government officials customarily asked women if they had permission from a male relative before applying for a passport or leaving the country. One women's rights NGO asserted that a husband or male relative could bar a woman from leaving the country, and that this requirement was strictly enforced when women traveled with children. During the year there were several reports of women who were turned away at the airport because they did not have the permission of or were not accompanied by a male relative.

Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

The law prohibits forced exile, and there were no reports of forced exile during the year.

During the year the Government continued to deport an unknown number of foreigners who were studying at Muslim religious schools and believed to be in the

country illegally. The Government claimed these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government used existing laws to require foreigners to register with police or immigration authorities within one month of arrival.

Internally Displaced Persons (IDPs).—The fifth round of fighting in the four-year conflict in Saada between the Government and the group of rebels led by Abdul-Malik al-Houthi broke out in May. Fighting continued until the Government declared a ceasefire in July. At the height of the fighting, HRW estimated there were as many as 70,000 internally displaced persons (IDPs) in Saada governorate. Most IDPs lived in camps or with family in Saada City, the regional capital. The Government and the al-Houthi rebels, who still controlled territory in Saada, limited access to the region, preventing food and medical supplies from reaching many IDPs. After the end of fighting in July, some IDPs were able to return to their homes, but thousands remained in camps for fear of retaliation from the al-Houthi rebels, according to the Office of the UN High Commissioner for Refugees (UNHCR). The UNHCR also said IDP children showed signs of chronic malnourishment and did not attend school.

Protection of Refugees.—The Government does not have a national law addressing the granting of refugee status or asylum in accordance with the UN 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government sometimes provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Non-Somali asylum-seekers must go through an individualized refugee status determination conducted by the UNHCR, as the Government has no ability to conduct refugee status determinations on its own. Since 2007 the Government has challenged the ability of the UNHCR to perform refugee status determinations for non-Somalis. Immigration authorities have deported some non-Somalis without giving UNHCR access to conduct screenings.

The Government continued to provide temporary protection for thousands of individuals from Iraq and the Darfur region of Sudan who may not qualify as refugees under the 1951 Convention and its 1967 protocol, although there were some reports of deportations. There were continued reports that some Iraqis were blocked from reuniting with their families because they had been denied readmission into the country.

Generally, refugees were allowed to work and travel freely within the country, although they faced some difficulties. There were reports of refugees refused employment or passage at checkpoints because they lacked legal documentation. Refugee children attended local schools, although facilities were limited and could not meet the demand in full.

In 2005 the Government and UNHCR signed a memorandum of understanding to establish six registration centers to register and provide greater legal protection to refugees. Currently, only one of these centers, located in Sanaa, has been established. The center has yet to open, awaiting approval from the Government. UNHCR operates three reception centers in the south of the country, the newest of which opened in March. The harassment and abuse by security forces at a Somali refugee camp in 2006 has been improved by the replacement of the head of the security force. Some potential asylum-seekers have been imprisoned while their status determinations were pending with UNHCR. UNHCR had uneven access to these refugees, but refugees were generally released from prison upon the completion of UNHCR processing.

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

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage; however, there were limitations in practice. Decision-making and effective powers were held by the President, who has been in office since 1978. The President appoints the prime minister, who presides over a 35-member cabinet chosen by the President. The latest cabinet reshuffle occurred on May 19. In practice the President, in association with the ruling GPC party dominated the Government. The parliament, in which three parties were represented, was not an effective counterweight to the executive branch and can be dissolved by the President.

Elections and Political Parties.—After several months of negotiations between the ruling GPC party and the opposition Joint Meeting Parties (JMP), the Supreme Commission for Elections and Referendum (SCER)—the body charged with con-

ducting the April 2009 parliamentary elections—was announced in a controversial parliamentary session on August 25. The three JMP members of the SCER, a nine-member body, refused their appointments. In August the SCER began preparing for the April 2009 elections without the participation of the JMP, who at year's end continued to assert the illegality of the SCER and its actions. Nationwide voter registration took place in November with a boycott by supporters of the JMP. Violent protests occurred in some southern governorates.

On May 17, governors of the 21 jurisdictions were elected by a vote of each jurisdiction's local council. The election of governors, who previously were appointed by the President, was an important step toward the decentralization of power. The dominance of the ruling party in the majority of the local councils, however, meant that these elections did not appreciably reduce ruling party influence. This situation was exacerbated by an opposition boycott.

According to a report by an international NGO, the September 2007 by-elections in Aden and Ibb were conducted in a generally peaceful and orderly manner with only a few violations. The voting and counting were generally considered to have been fair and efficient; however, there were some delays in opening and closing female sub-committees within voting centers. There were also numerous instances of confusion regarding the voting procedures, especially among illiterate and elderly voters. The report stated that some candidates wrongly used public resources to fund their campaigns, and campaigning continued on election day and in some cases within the polling stations. Military personnel were also employed as members of the field commissions.

According to local and international observers, the September 2006 Presidential and local council elections were considered open and competitive and a marked improvement over previous elections. For the first time opposition candidates contested the Presidential elections and had equal coverage on government-owned broadcast and print media. There were problems, however, with voter registration, redistricting, ballot counting, isolated incidents of election-related violence, and use of state resources on behalf of the ruling party.

Ali Abdullah Saleh was elected to a seven-year term in this election, the country's second nationwide direct Presidential race, securing 77 percent of the votes. Faisal bin Shamlan, candidate of the opposition coalition JMP, gained 22 percent. The remaining three opposition and independent candidates had less than one percent each. According to the SCER, approximately 65 percent of eligible voters participated in the elections. Approximately 42 percent of the voters were women. The constitution provides that the President is elected by popular vote from among at least two candidates endorsed by parliament.

International NGOs and the European Union Observer Mission characterized polling as an important and unprecedented step in the country's democratic development. In its final post-election report, the EU noted that the GPC had an unfair electoral advantage because significant state resources were put at the disposal of GPC candidates for use during their campaigns. Opposition parties, while regretting irregularities, also hailed the elections as the first genuinely competitive contest in the country's history. Unlike in previous years, international and local observers did not report significant difficulties in accessing voting centers or filing their reports.

An international NGO reported that the voter registration process conducted in April 2006 was marred by poorly trained administrative staff, registration of a large number of underage voters, and interference by security officials. Local NGOs also alleged that deceased citizens were registered as voters. The international NGO reported that the opposition coalition JMP refused to participate in the voter registration process due to allegations of bias on the part of the SCER, which conducted voter registration. The SCER therefore recruited staff members on short notice and was not able to provide them with meaningful training before voter registration began.

In 2006 the JMP and the GPC agreed on several items of contention, including the formation of a joint committee to review voter lists with the SCER and decide which names needed to be removed due to technical errors. Although the SCER requested that the courts expunge more than 200,000 names identified as underage or duplicate voters, a searchable electronic copy of the registration list was never provided to opposition parties or local constituencies so they could verify voter lists before the election. There were reports that the SCER mistakenly removed eligible voters from lists in several constituencies.

In addition, many constituencies were redistricted a month before the election in a manner that was not transparent to the public, international observers, or opposition parties. Independent and opposition observers noted that redistricting resulted in the allocation of more local council representatives for constituencies that were viewed as progovernment.

Whereas ballot counting for the Presidential election was reported to be generally fair and accurate, there were numerous reports that ballots for the local council elections went uncounted in some constituencies or were not secured after the count, rendering a recount or inspection of the ballots impossible.

Election-related violence during the 30-day campaign period and on election day was markedly lower than in previous elections. The SCER reported that seven people were killed in election-related violence. There were no reports that government security agents killed anyone in election-related incidents.

The law mandates that political parties be viable national organizations that cannot restrict their membership to a particular region. The constitution prohibits the establishment of parties that are contrary to Islam, "oppose the goals of the country's revolution," or violate the country's international commitments.

The law stipulates that each party have at least 75 founders and 2,500 members. Parties based on regional, tribal, sectarian, class, professional, gender, or racial identities are not permitted. Candidates from any party may declare their candidacy for elections. The Government provided financial support to most of the 23 political parties, including a small stipend to publish party newspapers.

The ruling GPC has been the dominant party since unification of the country and controls 238 of the 301 seats in parliament (elected in 2003). Islah is the largest opposition party, and it controls 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that persons were often selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because tribal areas were still run by patriarchal systems, some tribal leaders reportedly influenced tribal members to vote for certain candidates.

Although there were no formal restrictions limiting opposition participation, the Government made it difficult for some parties to organize. At year's end the Government continued to hold substantial assets of the opposition Yemeni Socialist Party, including land and buildings, which were seized after the 1994 civil war. In 2005 the President publicly accused two minor parties of attempting to overthrow the Government by fomenting the al-Houthi uprising. The headquarters of the Union for Popular Forces was seized by armed men and the party was forcibly recreated under dubious circumstances.

In 2007 the Government dissolved the al-Haq Party for reportedly violating the Political Parties Law. However, civil society observers claim the party was abolished due to its affiliation with the al-Houthi rebels and for its Zaydi appeal.

Women voted and held office; however, increasingly conservative cultural norms rooted in tribal traditions and patriarchal religious interpretation often limited their exercise of these rights. There was one woman in the 301-seat parliament. There were three women in the cabinet, including the minister of human rights, the minister of social affairs and labor, and a Supreme Court justice. In 2005 the SCER established a Women's Department responsible for addressing gender equality in the electoral process. The department conducted informational campaigns on the importance and mechanism of voting prior to the 2006 elections. In the elections, 164 women ran for and 38 won seats on local and provincial councils. Women's rights activists and female parliamentary candidates accused the ruling party and the authorities of rigging the elections against women.

Many members of the Akhdam community, a small ethnic minority descended from east Africans, did not participate in the political process due to socioeconomic factors and discrimination. There were no members of minority groups in parliament or the cabinet. There were no reports that persons with disabilities were prohibited from participating in the political process.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that there is a serious corruption problem, and a perception of corruption in every branch and level of government was widespread. Government officials and parliamentarians were presumed to benefit from insider arrangements and embezzlement. Procurement was a regular source of corruption in the executive branch.

In 2006 the Central Organization for Control and Audit (COCA), the country's investigative body for corruption, reported that between its creation in 1999 and 2005, COCA had investigated 518 official cases of corruption, of which 361 were filed with COCA in 2005. The cases represented a loss to the treasury of 4.8 billion riyals (approximately \$24.7 million). At year's end, of the 518 cases, 490 had been sent to the judiciary for action, and the remaining 28 cases were still under consideration. COCA's reports were rendered to the parliament but were not accessible to the gen-

eral public. Only low-ranking officials have been prosecuted for corruption since COCA's inception. The actual number of corruption cases was generally considered to be significantly higher than what was reported by COCA.

Petty corruption was widely reported in nearly every government office. Job candidates were often expected to purchase their positions. Tax inspectors were reported to undervalue their assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

In 2006 the President ratified an anticorruption law, creating the first Supreme National Authority for Combating Corruption (SNACC), a new independent authority to investigate cases of official corruption. The authority includes a council of government, civil society, and private sector representatives.

In June 2007 parliament elected 11 members to the SNACC, whose chair and deputy chair will serve a two-and-a-half-year term and can serve another two-and-a-half-year term, subject to SNACC consent, whereas regular SNACC members can serve only one five-year term. In July 2007 President Saleh signed a decree officially establishing SNACC and chaired SNACC's first meeting. SNACC elected former Minister of Telecommunications Ahmed al-Anesi as chair and Sanaa University associate professor of political science Bilquis al-Osbo'a as deputy chair.

In early June 2007 the local authority fired Director General of Taxes Hussein Ali al-Ameer, Director General of Public Health and Population Fadhl Muhammad al-Akwa'a, and Director General of Electricity Ahmad Sailan on charges of corruption in the Dhammar province.

The law requires a degree of transparency and public access to information, and the Press and Publications Law provides for journalists to have some access to government reports and information; in practice the Government offered few procedures to ensure transparency. In 2006 parliament passed a law requiring public disclosure of government officials' assets, and the SNACC worked to implement this during the year. The Government provided limited information on Internet sites; however, few citizens had access to the Internet.

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

Domestic and international human rights groups operated with varying degrees of government restriction, generally investigating and publishing their findings on human rights cases with little constraint. NGOs reported that government officials were not always cooperative and responsive to their views. The Law for Associations and Foundations regulates the formation and activities of NGOs. This law exempts NGOs from taxes and tariffs and requires the Government to provide a reason for denying an NGO registration. However, it also requires that any organization have at least 41 members in order to continue operations and forbids them from involvement in political activities.

The law permits some foreign funding of NGOs and requires government observation of NGO internal elections. During the year the MOHR sponsored several initiatives to advance cooperation with local NGOs such as the Yemeni Women's Union (YWU) and the Violence Against Women network.

Domestic human rights NGOs operated throughout the year. Although progovernment NGOs were supported by the Government or ruling party, others were clearly supported by opposition parties or were fully independent. Some of the most active included the Human Rights Information and Training Center, HOOD, the Yemen Observatory for Human Rights, the Democracy School, Media Women Forum, and the Arab Sisters Forum for Human Rights.

Some NGOs practiced self-censorship. Some ministries reportedly harassed NGOs critical of the Government by delaying the procedures required for annual registration and licensing and through bureaucratic funding criteria. In 2007 the Ministry of Social Affairs and Labor (MSAL) refused to reissue the license for the Arab Sisters Forum for Human Rights due to its criticism of the Government for limiting press freedom. The group received a temporary two-year license from the Government during the year. The Government requires NGOs to register annually or be declared illegal. However, NGOs that were not granted licenses continued to operate during the year. WJWC did not receive a license during the year. In some instances the Government reportedly registered a progovernment clone version of an NGO, recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications must be refilled under a new name. The Government reportedly did not process some registration applications and placed unofficial freezes on new licenses ahead of the September 2007 by-elections.

The Government monitored NGO finances. The Government reportedly used financial reviews as a pretext to harass or close NGOs, and some NGOs allegedly kept less than transparent records.

The Government provided Amnesty International (AI), HRW, the Parliament of the EU, and The Committee to Protect Journalists (CPJ) limited access to records, detention centers, and prisons. The ICRC maintained a resident office to inspect prisons during the year, although access to PSO prisons was suspended. ICRC also carried out humanitarian missions in Saada to support displaced populations during the war. Both ICRC and the Islamic Relief and the UN World Food Program continued to provide humanitarian assistance to Saada's displaced population. ICRC did not face governmental restrictions in providing humanitarian assistance; however, because of the dangerous security situation in Saada, it was unable to respond to emergencies in an adequate manner.

The MOHR attempted to raise awareness of human rights via public information campaigns, training of civil society organizations in how to prepare reports, and participation in numerous conferences in cooperation with NGOs. The MOHR also donated computers to orphanages and juvenile centers during the year. The MOHR also succeeded in having the country ratify the Arab Charter on Human Rights and presented several regular reports regarding its international commitments, such as a report on economic, social and cultural rights, and an antiviolenence report.

During the year the parliament's committee on human rights was largely inactive, as was the consultative council's committee on human rights.

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

The law provides for equal rights and equal opportunity for all citizens; however, the Government did not effectively enforce the law. Discrimination based on race, gender, and disability remained a serious problem. Entrenched patriarchal cultural attitudes limited women's ability to access equal rights.

Women.—The law criminalizes rape, but the Government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, by year's end, this had not been imposed in any rape case. The rape victim was often prosecuted on charges of fornication after the perpetrator was set free. According to the law, the accused must confess or the defense needs to provide four female or two male witnesses to the crime. The Government has yet to introduce DNA technology to criminal rape cases, and without witnesses cases were difficult to prosecute. Rape cases were also often hindered by excessive corruption. A leading local women's rights organization asserted that the judicial system fails to bring justice to victims of rape.

According to the law, a woman may not refuse sexual relations with her husband; accordingly, spousal rape is not criminalized. There are no reliable statistics on the number of rapes. Most women do not come forward, often remaining silent in fear of shaming the family and incurring violent retaliation.

The 2003 rape case of Anisa al-Shuaibi was ongoing at year's end. During the year al-Shuaibi claimed she was attacked by unidentified assailants who threw stones at her. She was also offered a bribe to drop her case. Al-Shuaibi continued to receive threats on her life and those of her children at year's end. In April a judge convicted one of her three assailants, whose prison sentence was postponed. Al-Shuaibi was also awarded one million riyals (approximately \$4,994) as compensation. At year's end an appeals process was ongoing. The CID detained Al-Shuaibi in 2003 with her two children and charged her with the kidnapping and murder of her husband, who was later found alive. According to her lawyers, al-Shuaibi was detained illegally for 38 days in a CID jail, where she was raped and tortured by two high-level CID officers.

The law provides women with protection against violence; however, the law was rarely enforced. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair and usually went unreported to the police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to the authorities) to intercede on her behalf or provide her sanctuary, to avoid making the abuse public and shaming the family.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sanaa. The MOHR announced in April 2007 it was launching a nationwide hotline to receive complaints on abuses of human rights; it was unclear how many domestic violence cases the MOHR hotline received. Hotline service was interrupted due to technical difficulties, but the MOHR reported work was under way to reactivate it as of the end of year.

The press, women's rights activists, and the MOHR continued to investigate and report on violations of women's rights. During the year NGOs sponsored several

women's rights conferences dealing with issues such as violence against women, increasing the political representation of women, and economic empowerment.

The penal code allows leniency for persons guilty of committing a "crime against honor," a violent assault or killing committed against females for perceived immodest or defiant behavior. However, the law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, forced early marriage, and deprivation of education. Legal provisions regarding violence against women state that a convicted man should be put to death for killing a woman. However, a husband who kills his wife and her lover may be fined or imprisoned for one year or less. In June a government report disclosed 2,964 cases in 2007 of violence against women. Of those cases, 130 resulted in death, and 970 in injuries.

Prostitution is illegal; however, it was a problem, particularly in Aden and Sanaa. The punishment for prostitution is imprisonment for up to three years or a fine. The MOI and PSO tolerated and unofficially facilitated prostitution and sex tourism through corruption for financial and operational gain. Although no laws addressed sex tourism, it was a problem, particularly in Aden and Sanaa.

There are no laws prohibiting sexual harassment, which occurred both in the workplace and in the streets.

Social custom and local interpretation of Shari'a discriminated against women. Men were permitted to take as many as four wives. There was no minimum age of marriage, and some girls married as young as age eight.

A husband may divorce a wife without justifying the action in court. A woman has the legal right to divorce; however, she must provide a justification, and there are a number of negative practical, social, and financial considerations that impede women from obtaining a divorce.

Women who seek to travel abroad must customarily obtain permission from their husbands or fathers to receive a passport and to travel. Male relatives were expected to accompany women when traveling internationally; however, enforcement of this requirement was not consistent. Some women reported they traveled freely without male escorts.

Some interpretations of Shari'a prohibit a Muslim woman from marrying a non-Muslim man; however, a Muslim man is allowed to marry a non-Muslim woman. Women do not have the right to confer citizenship on their foreign-born spouses, but they may confer citizenship on children born of a foreign-born father if the father dies or abandons the child. The foreign wife of a male citizen must remain in the country for two years to obtain a residence permit.

According to a MOI regulation, any citizen who wishes to marry a foreigner must obtain the permission of the ministry. A woman wishing to marry a foreigner must present to the MOI proof of her parents' approval. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior" and "is free from contagious disease."

According to a 2006 Ministry of Public Health and Population survey, approximately 65 percent of ever-married women were illiterate. A 2004 Central Statistics Organization census estimated male illiteracy at 27 percent. The high illiteracy rate had a significant effect on women's participation in the 2006 elections, limiting access to information on campaigns and political rights. Election observers also noted that illiteracy helped to perpetuate the belief that women were incapable of holding public office. The fertility rate was 6.41 children per woman. Most women had little access to basic health care.

In general women in the south, particularly in Aden, were better educated and had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of women in government in the south has declined, due to conservative cultural pressure from the north and stagnation of the economy. According to the UN Development Program, female workers accounted for 29.7 percent of the paid labor force in 2005.

The law stipulates that women are equal to men in employment rights; however, female activists and NGOs reported that discrimination was a common practice in the public and private sectors. Mechanisms to enforce equal protection were weak or nonexistent.

According to the MSAL there were more than 170 NGOs working for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the Government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee (WNC) conducted workshops on women's rights. The Arab Sisters Forum, with funding from the Netherlands, set up a four-year project aimed at providing protection against violence for women and children. This project plans to include lawyers who will handle cases of violence, a hotline to report sexual harassment against women and children, and a shelter to provide assistance to victims.

Children.—The Government lacked the political will and necessary resources to ensure adequate education, health care, and welfare services for children. The law provides for universal, compulsory, and free education from age six to 15 years; however, compulsory attendance was not enforced and books and school uniforms raised the cost of attendance to about 2,000 riyals (approximately \$10) per student per year, which some parents could not afford. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade; however, many children, especially girls, did not attend primary school. According to 2006 government statistics, average student attendance in primary schools was 81.6 percent for boys and 61.7 percent for girls. The 2007 Community, Habitat and Finance (CHF) ACCESS-MENA report stated that 55 percent of children between the ages of six and 15 did not attend school.

The law provides for free medical care for children who hold citizenship; however, this was not always enforced. Malnutrition was common. According to 2008 UN Children's Fund (UNICEF) statistics, the infant mortality rate was 75 deaths per 1,000 births. Male children received preferential treatment and had better health and survival rates.

In 2007 hundreds of children reportedly marched in front of government buildings in Sanaa demanding more financial aid to solve their health, education, nutrition, child labor, and trafficking problems. The participants of the march, which was organized by local NGO Democracy School and was attended by children's rights activists, submitted a letter to the prime minister requesting that the Government fulfill its promises of offering free education and health services to children.

The law prohibits female genital mutilation (FGM); however, it was a pervasive practice in the coastal areas on infants before they reach 40 days of age. Although government health workers and officials discouraged the practice, women's groups reported FGM rates as high as 90 percent in some coastal areas, such as Mahara and Hodeida. The WNC and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Child marriage was a significant problem in the country. There was no minimum age of marriage and many girls were married as young as age eight. A law setting the minimum age for marriage as 15 years was revoked in 1998, and multiple attempts to reinstate the law have failed in parliament. The law does have a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. An OXFAM study calculated that among 1,495 couples, 52.1 percent of women and 6.7 percent of men were married at an early age. The report also highlighted that 15 to 16 years is generally considered the appropriate age of marriage for girls. This varied, however, depending on region and socioeconomic status. According to the MSAL, the Government did not promote public awareness campaigns on the negative effects of child marriage due to the cultural sensitivity of the issue.

Stories that broke in the media during the year highlighted the problem of child marriage in the country. Nujoud and Arwa, nine and eight years old respectively, were forced to marry men in their 30s and subsequently obtained divorces after months of severe sexual and physical abuse. Reem, a 12-year-old girl who was forced into marriage by her father, was still attempting to obtain a divorce at year's end.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflict beginning in November in Amran governorate between the Harf Sufian and al-Osaimat tribes. Local customs in tribal areas reportedly dictated that when a boy is married he is an adult and owes allegiance to his tribe.

The law does not define nor prohibit child abuse, and there was no reliable data on the extent of child abuse.

Trafficking in Persons.—The law does not explicitly address or prohibit trafficking in persons, but other sections of the country's criminal code can be applied to prosecute trafficking offenses. The country is a point of origin for children, mostly boys, who are trafficked for forced begging, unskilled labor, and street vending.

There were no reports of underage internal sex trafficking during the year. However, according to a local human rights NGO, an unknown number of women, including those under the age of legal consent, were trafficked from their homes to other regions within the country for the purposes of prostitution. For example, there were reports that two underage girls, one in 2005 and one in 2006, were trafficked into prostitution in Aden after fleeing abusive homes or forced marriages in the northern governorates.

There were no official statistics available on the number of children trafficked out of the country. Press and NGO reports claimed children mostly from northern

governorates were trafficked out of the country to Saudi Arabia at a rate of approximately 200 children per week. The MSAL's Child Labor Unit (CLU) acknowledged that high rates of children were trafficked into Saudi Arabia for work. The CLU estimated that at least 10 children per day were trafficked into Saudi Arabia. MSAL had no reports during the year indicating that children were trafficked into Saudi Arabia for commercial sex work. However, experts at international and intergovernmental organizations reported evidence in the three governorates of Mahweet, Aden, and Taiz indicating that girls younger than 15 were trafficked into the commercial sex trade in those areas.

Children were trafficked by adults, older children, and loosely organized syndicates who helped them cross the border by donkey, automobile, or foot. They worked predominantly in hotels, casinos, and nightclubs.

Government investigations revealed that extreme poverty was the primary motivation behind child trafficking, and the victims' families were almost always complicit. The traffickers were often well known by, if not related to, the family; parents were either paid or promised money in exchange for allowing their children to be trafficked. Many cases were also later discovered to be instances of illegal immigration.

The law, which does not differentiate between children and adult victims, allows for a prison sentence of up to 10 years for anyone convicted of crimes constituting trafficking in persons. Other laws forbid and punish kidnapping and sexual assault. The Child Rights Law mandates the protection of children from economic and sexual exploitation. The country reported 14 arrests and six convictions for child labor trafficking, but the Government did not provide information regarding the sentences. Notably, the Government reportedly detained and prosecuted victims of trafficking under anti-prostitution laws.

The Government continued discussions with Saudi Arabian officials to combat child trafficking. The MOHR ran a hotline for persons to report child trafficking.

In an attempt to prevent child trafficking, the MSAL conducted a campaign in regions known as points of origin of trafficked children. The MSAL warned potential victims' parents against the dangers of allowing their children to work in Saudi Arabia.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Several laws mandate the rights and care of persons with disabilities; however, there was discrimination against such persons. By law, 5 percent of government jobs should be reserved for persons with disabilities, and a law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws have been implemented. No national law mandates accessibility of buildings for persons with disabilities.

During the year the parliament ratified the Convention on the Rights of Persons with Disabilities, which specifically mandates that the Government take the necessary legislative actions to make its provisions effective. Among these provisions is the right to participate in political and public life.

The Government's Social Fund for Development and the Fund for the Care and Rehabilitation of the Disabled, administered by the MSAL, provided limited basic services and funded more than 60 NGOs to assist persons with disabilities.

National/Racial/Ethnic Minorities.—The Akhdam (an estimated 2 to 5 percent of the population) were considered the lowest social class. They lived in poverty and endured persistent social discrimination. The Government's Social Fund for Development provided basic services to assist the group. During the year human rights groups reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens.

During the year tribal violence continued to be a problem in Sanaa and throughout the country, and the Government's ability to control tribal elements responsible for acts of violence remained limited. Tensions over land or sovereignty in particular regions continued between the Government and a few tribes, periodically escalating into violent confrontations.

There were no public reports of discrimination based on sexual orientation or HIV/AIDS; however, these topics are socially sensitive and not discussed publicly.

Incitement to Acts of Discrimination.—Two inflammatory government newspapers, Al Dostor and Akhbar Al Youm, continuously published propaganda for the purpose of slander and incitement to discrimination or violence. In 2007 Al Dostor published an article with the names of the country's top 40 female activists, branding them as apostates. The newspaper also printed photos of four of the activists.

Section 6. Worker Rights

a. The Right of Association.—The law provides that citizens have the right to form and join unions; however, this right was restricted in practice.

Although not required by law, all current unions are federated within the General Federation of Trade Unions of Yemen (GFTUY), a national umbrella organization. The GFTUY claimed approximately 42,000 members in 21 unions during its June 2007 elections. The GFTUY denied any association with the Government; however, it worked closely with the Government to resolve labor disputes through negotiation.

The politicization of unions and professional associations continued to hamper the right of association. In some instances the GPC ruling party attempted to control professional associations by influencing internal elections or placing its own personnel, usually tied to the Government, in positions of influence in unions and professional associations.

The law dictates that a labor union can be dissolved only by court order or its own members; however, the Government did not respect this right in practice. For example, in September 2007 the MSAL threatened to dissolve the Yemen Teachers Union, Technical Education Syndicate, and the Physicians and Pharmacists Syndicate, claiming they had not obtained a MSAL-issued license and thus were operating illegally. This announcement from MSAL came after months of sit-ins and demonstrations staged around the country by the Teachers Union to demand a pay increase.

The labor law provides unions the right to strike only if prior attempts at negotiation and arbitration fail, and workers exercised this right by conducting legal strikes. The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor. Strikes for explicit “political purposes” were prohibited.

b. The Right to Organize and Bargain Collectively.—The labor law provides workers, except public servants, foreign workers, day laborers, and domestic servants the right to organize and bargain collectively without government interference. The Government permitted these activities; however, at times it sought to influence them by placing its own personnel inside groups and organizations. Unions may negotiate wage settlements for their members, and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court. The MSAL has veto power over collective bargaining agreements. Several such agreements existed. Agreements may be invalidated if they are “likely to cause a breach of security or to damage the economic interests of the country.”

The law generally protects employees from anti-union discrimination. An employer does not have the right to dismiss an employee for union activities; however, there were reports that private sector employers discriminated against union members through transfers, demotions, and dismissals.

Employees may appeal any dispute, including cases of anti-union discrimination, to the MSAL. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the MSAL; it is composed of an employer representative and a GFTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company. Neither GFTUY nor the MSAL was able to provide statistics on how many unionized employees used this system during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports of such practices during the year. Yemeni girls were trafficked within the country for commercial sexual exploitation in hotels, casinos, and bars. A local NGO reported that more than 30,000 children worked on the streets of Sana’a alone. Children were also reportedly trafficked from the country to work as child laborers in other countries, especially from the governorates of Hajja, Hudeidah, and Saada. The NGO blog Human Trafficking Project reported in April that 3,000 Bangladeshis were trafficked to work in Yemen in conditions close to indentured servitude.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Child Rights Law prohibits child labor; however, it has not been effectively implemented.

The established minimum age for employment was 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 years could work. The Government rarely enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring nine years of compulsory education for children.

Child labor was common, especially in rural areas. The 2007 CHF ACCESS-MENA report states that children in the country were predominantly employed in

agriculture and fishing. Many children were required to work in subsistence farming due to family poverty. Even in urban areas, children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas where schools were not easily accessible. Local observers reported that half or more of the fighters involved in armed conflict between the al-Osaimat and Harf Sufian tribes in Amran governorate, which broke out in November, were boys ranging from 12 to 15 years of age.

The Child Labor Unit at the Ministry of Social Affairs and Labor was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement.

In 2006 the Ministry of Social Affairs and Labor estimated that there were more than 500,000 working children, ages six to 14 years, and that working children equaled 10 to 15 percent of the total work force. CHF 2007 estimated that approximately 52 percent of male children between the ages of 10 and 14 were in the work-force, compared to 48 percent of female children in the same age group. CHF estimated that 83 percent of working children worked for their families (including street beggars) and 17 percent worked outside the family. According to the MSAL, children working outside the family are employed in small factories and shops. The Government was an active partner with the International Labor Organization's International Program to Eliminate Child Labor. During the year the program offered remedial education, vocational training, counseling, and reintegration of child laborers into schools.

e. Acceptable Conditions of Work.—There was no established minimum wage. The labor law provides equal wages for public workers and civil servants. Private sector workers, especially skilled technicians, earned a far higher wage. The average daily wage did not provide a decent standard of living for a worker and family. During the year the minimum civil service wage did not meet the country's poverty level.

The law specifies a maximum 48-hour workweek with a maximum 8-hour work-day; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was seven hours per day from Saturday through Wednesday.

MSAL is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the labor law. However, enforcement was weak to nonexistent due to lack of MSAL capacity. MSAL has a Vocational Safety Department that relies on committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Many workers were regularly exposed to toxic industrial products and developed respiratory illnesses. Some foreign owned companies and major manufacturers implemented higher health, safety, and environmental standards than the Government required. Workers have the right to remove themselves from

SOUTH AND CENTRAL ASIA

AFGHANISTAN

Afghanistan is an Islamic republic with a population of approximately 32 million. Under its new constitution, citizens elected Hamid Karzai President in 2004 and the following year selected a new parliament; although the elections did not fully meet international standards for free and fair elections, citizens perceived the outcomes as acceptable, and the elections established the basis for democratic development at the federal and regional levels. A continuing insurgency hindered the Government's capacity to govern effectively in several areas of the country. Although civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The country's human rights record remained poor. Human rights problems included extrajudicial killings; torture; poor prison conditions; official impunity; prolonged pretrial detention; restrictions on freedom of the press; restrictions on freedom of religion; violence and societal discrimination against women; restrictions on religious conversions; abuses against minorities; sexual abuse of children; trafficking in persons; abuse of worker rights; and child labor.

Although the Government deepened its authority in provincial centers, Taliban or factions operating outside government control exercised authority in some areas. During the year more than 6,340 persons died as a result of the insurgency, including deaths by suicide attacks and roadside bombs, in contrast to 2007, when more than 6,500 persons died. The majority of the casualties were insurgent fighters killed in combat. Taliban and anti-government elements continued to threaten, rob, attack, and kill villagers, government officials, foreigners, and nongovernmental organization (NGO) workers. UN Assistance Mission to Afghanistan (UNAMA) reported 2,118 civilian casualties during the year, an increase of 39 percent compared to 2007, when there were 1,523 reported civilian conflict-related deaths.

The Government enacted a law criminalizing trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. In addition, there were killings of civilians during conflict, high-profile killings by unknown actors, and politically motivated killings by insurgent groups during the year in connection with the ongoing insurgency (*See* Section 1.g.).

In May the UN Special Rapporteur on extrajudicial, summary, and arbitrary executions visited the country and reported on many cases in which police killed civilians with impunity. He focused on the need to reform the Afghan National Police and judicial system, curbing Taliban and other anti-government elements' abuses, and addressing the often overlooked extrajudicial killing of women. His preliminary report dated May 29 stated that although there were no reliable figures on the numbers of such killings, the numbers of alleged killings were high enough to give Afghans, particularly in the south, some reason to support the Taliban. On May 10 in Nangarhar, police fired on protesters, killing two civilians, media outlets reported. In November the Government executed 16 prisoners. At year's end, approximately 85 additional cases of prisoners sentenced to death were pending President Karzai's review. The EU, UN, and numerous human rights NGOs have condemned executions, noting the lack of due process in the judicial system did not guarantee a fair trial.

There were no developments in the investigation of a May 2007 killing of 10 persons by police in Jowzjan Province or the October 2007 case of 15 prisoners executed at Pol-e-Charkhi prison under executive order amid allegations of lack of due process.

On August 3, an unidentified gunman shot and killed a senior finance ministry official in Kabul. On September 4, an unknown gunman shot and killed the chief of the Central Narcotics Tribunal Appeals Court outside his house in Kabul. Authorities charged one suspect with solicitation to commit murder. On September 12, according to police reports, a remote control bomb killed the governor of Logar Province and three bodyguards. Taliban claimed responsibility for the killings. Taliban also claimed responsibility for the September 27 shooting that killed Lieutenant Colonel Malalai Kaker, a senior female police officer in Kandahar. Unknown actors killed many other high-profile government officials; the vast majority of these acts were associated with the ongoing insurgency (See Section 1.g).

On April 10, authorities in Balkh Province unearthed a mass grave in the Dihdadi district containing remains of at least 10 individuals. Construction workers in Mazar-e-Sharif, Balkh Province, unearthed another mass grave on June 12 containing at least 10 remains. Local authorities in both cases told media the remains date from the Taliban period. Media outlets reported two additional mass graves near Kabul discovered on approximately June 29, one containing 16 bodies and the other 12. Authorities identified one of the bodies as former President Daud who was killed in the Presidential palace in 1978. There were no new developments in the April 2007 discovery of a mass grave in Badakhshan.

b. Disappearance.—There were reports of insurgent groups and criminals perpetrating disappearances and abductions during the year, in connection with the ongoing insurgency (See Section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported security forces continued to use excessive force, including beating and torturing civilians.

Human rights organizations reported local authorities tortured and abused detainees. Torture and abuse included pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy. A February 21 UN Secretary-General report noted detainees continued to complain of torture by law enforcement officials.

In November 2007 Amnesty International (AI) reported prisoners consistently were subject to torture once transferred to local authorities. The report documented specific cases of torture and noted AI received repeated reports from both individuals and international organizations of torture and ill-treatment by the National Directorate of Security (NDS). The Government rejected the report's assertions.

The Ministry of Women's Affairs (MOWA) and NGOs reported police frequently raped female detainees and prisoners. There were reports of abuses by Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban claimed responsibility in such cases by contacting newspapers and television stations.

According to a June 25 Afghan Independent Human Rights Commission (AIHRC) report, approximately half of the children in detention centers and orphanages were exposed to physical abuse. One 13-year-old boy told AIHRC police beat him with the barrel of a gun until he confessed. According to a UN Security Council report, cases of authorities threatening and mistreating juvenile detainees occurred throughout the year.

Prison and Detention Center Conditions.—Prison conditions remained poor. Most were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. The AIHRC continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country's prisons. Infirmaries, where they existed, were under-equipped. Contagious and mentally ill prisoners were rarely separated from other prisoners.

The Government reported 34 provincial prisons and 203 district detention centers. The Government also reported 30 active rehabilitation centers for juveniles. Twenty-two provincial prisons and four district detention centers reported housing female inmates at year's end.

Children whose mothers had been convicted of a crime often lived in prison with their mothers, particularly if they had no other family. Prisons did not separate prisoners and lacked adequate separate housing for women, accompanying children, and juveniles. Women were never imprisoned with men. Authorities generally did not separate prisoners awaiting trial from the rest of the inmate population.

On September 23, a court sentenced an ANA soldier who had raped an 11-year-old girl in Jowzjan Province to 15 years' imprisonment.

The Government permitted the International Committee of the Red Cross (ICRC) to visit all prisons operated by the NDS and Ministry of Justice (MOJ). The ICRC regularly visited more than 80 detention sites. Security constraints occasionally prevented ICRC delegates from visiting some places of detention, and the ICRC was not notified of all places of detention and detainees. The AIHRC also monitored prison conditions regularly. The AIHRC reported that in a few cases prison authorities did not grant representatives full access.

According to a February 21 UN Report, in some cases tribal leaders held persons accused of crimes in private detention. The report noted local officials often do not intervene when they become aware of these private facilities.

NGOs reported powerful local leaders and insurgents, including Taliban, continued to operate private prisons. The ICRC and the AIHRC did not have access to prisoners and hostages held in private prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest or detention; however, both remained serious problems.

Role of the Police and Security Apparatus.—The Afghan National Police (ANP), under the Ministry of Interior (MOI), has primary responsibility for internal order. The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the Government's failure to assert control. The North Atlantic Treaty Organization remained in control of the UN-sanctioned International Security Assistance Force (ISAF), which worked closely with the national security forces.

Official impunity remained pervasive. Illegal border checkpoints, some reportedly manned by tribal leaders and low-level members of insurgent groups, extorted bribes. Human rights groups and detainees reported local police extorted bribes from civilians in exchange for release from prison or to avoid arrest.

The MOI Human Rights Unit receives and responds to complaints of police abuse and has trained at least two ANP officers in each province and one at each checkpoint in Kabul to recognize and report human rights violations. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern.

Rank and pay reform procedures put in place in 2006 were largely complete. The force rank structure was revised to align the size of the force with the mission requirements and to align ANP salaries with their ANA counterparts. The reform resulted in the retirement or demotion of more than 7,300 officers in the past two years. International support for recruiting and training of new ANP personnel was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force. The international community worked with the Government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. Over the last 18 months, more than 25,000 ANP members received training in the constitution, police values and ethics, professional development, preventing domestic violence, and fundamental standards of human rights in addition to core policing skills. Under the Focused District Development (FDD) program, ANP were trained in policing skills including human rights at the central training center and regional training centers for eight-week periods. Nevertheless, human rights problems persisted.

The Government made efforts to combat corruption in the security apparatus. The Government electronically direct deposited police and military salaries during the year, making pay a more transparent and accountable process and less subject to corruption. In July a commission under Chief Justice Abdul Salam Azimi released a report on corruption. To implement the findings of this report, President Karzai established through Presidential decree an anticorruption oversight commission, charged with overseeing all governmental anticorruption efforts, including thorough investigation and prosecution. In August the parliament passed the Law on Monitoring the Implementation of the Anti-Administrative Corruption Strategy, which sought to increase ministerial transparency and accountability, tighten contracting laws, and increase legal access to information on high-ranking individuals' assets. President Karzai appointed the chief of the commission in September. During December the commission opened a central office in Kabul and hired a small staff. The Government also established an anticorruption unit within the Attorney General's Office. Efforts to staff the unit with prosecutors were ongoing at year's end.

NGOs and human rights activists noted societal violence, especially against women, was widespread; in many cases security forces did not prevent or respond to the violence.

Arrest and Detention.—Arbitrary arrest and detention remained problems.

The law provides for access to legal counsel, the use of warrants and bail, and provides limits on how long detainees may be held without charges. Detainees often were not informed of charges against them. Police have the right to detain a suspect up to 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the prosecutor's office, which must see the suspect within 48 hours. The investigating prosecutor could continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. The prosecutor must file an indictment or drop the case within 30 days of arrest. In practice many detainees did not benefit from any or all of these provisions. NGOs continued to report that prison authorities detained individuals for several months without charging them.

The press and human rights organizations reported arbitrary arrest in most provinces. There was little consistency in the length of time detainees were held before trial or arraignment. In a March 2007 report the UN Secretary General stated in many cases there was prolonged pretrial detention and suspects had not been given access to lawyers.

Police often detained women at the request of family members for "zina," a term used broadly to refer to actions that include defying the family's wishes on the choice of a spouse, running away from home, fleeing domestic violence, eloping, or other offenses such as adultery or premarital sex. Authorities imprisoned an unknown number of women for reporting crimes perpetrated against them or to serve as substitutes for their husbands or male relatives convicted of crimes. Some women were placed in protective custody to prevent violent retaliation by family members.

Authorities did not respect limits on length of pretrial detention, and lengthy pretrial detention remained a problem in part because the legal system was unable to guarantee a speedy trial. In other cases, the justice system operated quickly, with the judicial system deciding cases appealed to the Supreme Court within 10 months. There was no system of bond, and defendants released pending appeal often disappeared.

Authorities frequently did not re-arrest defendants even when an appellate court convicted them in absentia. The UN Human Rights Commission, ICRC, and AIHRC reported arbitrary and prolonged detentions frequently occurred throughout the country. The Interim Criminal Procedure Code sets limits on pretrial detention. In many cases courts did not meet these deadlines. NGOs continued to report that prison authorities detained individuals for several months without charging them. There were credible reports during the year that police in Kabul continued to detain prisoners after they were found innocent.

Lengthy trial procedures in some cases stemmed in part from the severe inadequacy of the judicial system. At year's end 680 defense attorneys were registered with the MOJ. The Supreme Court reported there were 1,652 judges, including 189 women. International NGOs estimated there were 2,000 to 2,500 prosecutors practicing; many of them lacked any formal legal training. On July 30, the country's first bar association was established. By year's end more than 300 lawyers had enrolled in the independent organization. During the year international groups worked with the MOJ to provide constitutionally mandated legal aid, with more than 850 prosecutors, attorneys, and justice professionals receiving training. The Attorney General's Office recruited more than 200 trained lawyers to replace prosecutors who lacked legal training.

According to the MOJ, 12,495 persons were detained in correctional facilities nationwide, of whom 7,855 had been tried and convicted; the remaining 4,640 were awaiting trial. There were also widespread shortages of judges. Bamyān Province, for instance, reported during 2007 no judges were present in three districts and three others were understaffed. Another significant barrier to justice was detainees' lack of awareness of their rights under the 2004 Interim Criminal Code for Courts. The Criminal Code, which human rights and legal experts widely reported was inadequate, continued to be rewritten and improved during the year.

Amnesty.—In February 2007 both houses of parliament drafted versions of a bill that, if passed, would grant amnesty from prosecution to all persons engaged in conflict for the past 25 years, as well as those who were fighting during the year. Both versions of the bill allow for individuals to bring cases against perpetrators. NGOs, the AIHRC, and many citizens criticized the draft bills, noting they would grant amnesty to gross violators of human rights, including many parliamentarians. The drafts of the amnesty bill had a few minor differences. Under the constitution, the parliament must convene a joint committee to resolve these differences. At year's end this committee had not been convened.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice the judiciary was often underfunded, understaffed, and subject to polit-

ical influence and pervasive corruption. Pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency, as well as bribery and corruption, threatened judicial impartiality. The Counternarcotics Tribunal in Kabul was an exception and international organizations reported no evidence of corruption or political influence by its officials. Other courts administered justice unevenly according to a mixture of codified law, Shari'a (Islamic law), and local custom.

The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 75 percent of the population lives. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipality and provincial authorities as well as judges had minimal training and often based their judgments on their personal understanding of Shari'a, tribal codes of honor, or local custom. Both judges and prosecutors were hampered by a lack of access to legal codes and statutes.

The judicial branch consists of the Supreme Court, high courts (appeals courts), and primary courts. Judges are appointed with the recommendation of the Supreme Court and approval of the President. The Supreme Court has overall responsibility for the national court system. The President appoints Supreme Court members with the approval of the House of Representatives (Wolesi Jirga). A national security court tried terrorists and other cases, although details on its procedures were limited.

In 2005, President Karzai passed a counternarcotics law by decree that serves as law pending parliamentary review. The law created a separate central court with national jurisdiction for narcotics prosecutions above a threshold level and an accompanying investigatory unit. During the year, it consisted of 30 prosecutors, 35 investigators, seven primary court judges, and seven appellate court judges. The court handled all cases beyond a threshold of two kilograms of heroin, 10 kilograms of opium, and 50 kilograms of hashish or precursor chemicals.

In some remote areas not under government control, Taliban enforced a parallel judicial system. Punishments handed out by Taliban judicial structures included beatings, hangings, and beatings, according to human rights activists.

Courts primarily decided criminal cases in major cities, although civil cases were often resolved in the informal system. Due to the undeveloped formal legal system, in rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also allegedly levied unsanctioned punishments. Some estimates suggested 80 percent of all cases went through shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities. An NGO in Herat, however, reported shuras often treated women fairly in resolving civil matters such as divorce and custody cases.

Trial Procedures.—Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. Under the law all citizens are entitled to a presumption of innocence. In practice the courts reportedly convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present and to appeal; however, these rights were not always applied. Trials were usually public, and juries were not used. Defendants also have the right to consult with an advocate or counsel at public expense when resources allowed. This right was inconsistently applied. Defendants frequently were not allowed to confront or question witnesses. Citizens were often unaware of their constitutional rights. Defendants and attorneys were entitled to examine the documents related to their case and the physical evidence before trial; however, NGOs noted that in practice court documents often were not available for review before cases went to trial.

The court has two months to start hearing a case. An appeal must be filed within 20 days, and the appellate court has two months to review the case. Any second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which could take up to five months to conclude the trial. In many cases, courts did not meet these deadlines.

Under Shari'a, relatives of victims can pursue a case against a suspected offender and a judge can offer restitution or even, in the case of murder, execution, which the family could choose to carry out only if a member of the victim's family consents. In addition, under Shari'a law, if the family of the victim pardons the perpetrator, the judge must issue a pardon as well.

In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were simply unaware of the law, courts and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against

women. This included the practice of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged.

Political Prisoners and Detainees.—There were reports that a number of tribal leaders, sometimes affiliated with the Government, held prisoners and detainees. There were no reliable estimates of the numbers involved.

Civil Judicial Procedures and Remedies.—Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often took precedence over human rights or constitutional rights. The judiciary did not play a significant role in civil matters due to corruption and a lack of capacity. Land disputes remained the most common civil dispute and were most often resolved by informal local courts.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice, and there were no legal protections for victims.

Government officials forcibly entered homes and businesses of civilians without judicial authorization. There were reports of theft by national security forces while they conducted raids and searched homes. Specifically, in April coalition military commanders in Kandahar stated that when local forces were put in charge of house searches, looting sometimes occurred. UNAMA reported community members alleged theft of possessions during home searches the military conducted. UNAMA also reported searches by members of the military or security officials involved conduct toward women that contravened local customs and angered local communities.

The law provided for wiretapping in certain cases.

The Government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A woman of any other faith had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. The court could not register marriages for citizens who stated they were not Muslim, even if they were born into other faiths. During the year these situations rarely occurred, as more than 99 percent of the population was Muslim.

There were reports that officials arrested and sentenced individuals, often women, for crimes other family members committed.

In the south and east, Taliban and other anti-government elements frequently forced locals to provide food and shelter to their fighters. Taliban also continued to loot schools, radio stations, and government offices.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Ongoing internal conflict and the continued use of excessive force caused civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents.

Killings.—In late October in Paktya province AIHRC reported Afghan police were escorting a convoy when a roadside bomb exploded. Two ANP allegedly exited their vehicles and started shooting indiscriminately, killing an elderly male bystander.

Persistent Taliban and al-Qa'ida activity, inter-factional fighting between regional warlords, and criminal activity resulted in unlawful killings and numerous civilian casualties.

Militants targeted and killed foreigners and local NGO employees. UNAMA reported during the year anti-government forces killed 1,160 civilians, pro-government forces killed 828 civilians, and unknown actors killed 130 civilians, for a total of 2,118 civilian casualties. Militant suicide attacks decreased slightly, with 138 suicide attacks during the year, compared to 143 suicide attacks in 2007. According to UNAMA, suicide attacks and improvised explosive devices, which the armed opposition used extensively, were the cause of 725 civilian deaths, or 34 percent of the overall total number of civilians killed during the year. UNAMA recorded 271 summary executions carried out by the Taliban and their allies during the year.

Insurgents targeted national and government officials, as well as women working in the Government and other high profile positions, but the majority of victims were civilians. Attacks against noncombatants (government officials, civilians, religious figures, teachers, and students) remained a threat, with 664 in 2006, 671 in 2007, and 910 during the year. ISAF reported 76 percent of all suicide bombings during the year targeted international and local security forces, but the overwhelming majority of victims were civilians.

Insurgents targeted and killed approximately 15 government officials during the year, including the governors of Logar and Zabul Provinces, the top judge in the

counternarcotics court, and a Kandahar Provincial Council member. MOI reported 883 Afghan National police were killed during the year.

On January 14, a suicide bombing and armed attack on the Serena Hotel in Kabul killed six civilians. Taliban claimed responsibility in what the press characterized as an extremely well-executed attack and an example of the insurgency's increased tendency to target civilians.

On February 17, a bomb killed more than 100 persons, including local police chief Abdul Hakim, gathered to watch a dog fight outside of Kandahar.

On July 14, Taliban shot and killed seven civilians for working with the Government and other organizations in Zabul Province, according to police reports.

On October 16, Taliban insurgents killed 30 persons travelling by bus through Kandahar province. According to local authorities the Taliban claimed the victims were soldiers. However, the authorities denied any soldiers were on the bus.

On October 20, two men on motorcycles shot and killed a British aid worker as she walked to work in western Kabul. According to media reports, the Taliban claimed responsibility for her killing.

During the year, anti-government elements continued to attack pro-government religious leaders. The Taliban killed at least 10 clerics and committed a number of acts of violence inside mosques and other religious facilities. On January 31, a suicide bomber blew himself up inside a mosque in Helmand, killing the province's deputy governor and five other persons, media outlets reported. On November 14, Taliban killed a religious leader in Farah Province days after he led prayers condemning suicide attacks.

The Ministry of Education (MOE) reported terrorist and insurgent attacks killed 149 teachers, other school employees, and students during the year. On May 14, according to media reports, unidentified gunmen shot and killed a teacher in Kunduz Province who had publicly condemned suicide bombings. On June 9, unidentified gunmen shot and killed a teacher and wounded his daughter in Nangarhar Province. Investigations occurred in some cases, but the outcomes were unclear at year's end.

Abductions.—UNAMA reported 260 abductions during the year, at least 40 of which resulted in the death of the hostage; however, the unreported number was believed to be much higher. The Afghanistan International Chamber of Commerce reported insurgents and others kidnapped 173 businesspersons during the past three years. UNAMA reported insurgents and others kidnapped 141 aid workers during the year, including 134 Afghans and seven international staff. UNAMA also reported insurgents and criminal gangs killed 38 aid workers and looted 70 aid convoys during the year. Taliban, militants, tribal leaders, and insurgents abducted security forces, civilians, and journalists for political and financial gain. Many abductees were killed but some were allowed to live if they vowed to resign, join anti-government elements, or, in the case of journalists, stop reporting on issues objectionable to the kidnappers.

On August 18, Ariana TV reported nine armed gunmen kidnapped and raped a 13-year-old girl in Takhar Province. Media reports alleged four of the men were police officers. Takhar police officials confirmed the incident occurred and arrested six persons.

On August 25, unknown actors kidnapped Saleh Mohammad Kohsar, the head of a pro-government local radio station in Paktika province. An investigation was ongoing at year's end.

On August 26, unknown assailants abducted and killed a Japanese aid worker in Nangarhar province.

On October 20, gang members kidnapped Humayun Shah Asifi, a relative of the late King Zahir Shah, and imprisoned him for more than a week. The kidnappers demanded \$5 million ransom and threatened to cut off Asifi's fingers. Security officials arrested six suspects, and the investigation was ongoing at year's end.

Physical Abuse, Punishment, and Torture.—Landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. The most heavily mined areas were the provinces bordering Iran and Pakistan. The UN Mine Action Center for Afghanistan (UNMACA) reported landmines and unexploded ordnance killed or injured an average of 57 persons each month. Mine explosions during the past two decades affected 4.2 million with an estimated 1.5 million casualties.

The UN, with funding from international donors, organized and trained mine detection and clearance teams that operated throughout the country. UN agencies and NGOs conducted educational programs and mine awareness campaigns for women and children in various parts of the country. HALO Trust, an anti-mine NGO,

cleared 1.14 billion square feet of land. There were almost 83.74 billion square feet of uncleared land remaining at year's end, according to UNMACA.

During the year, there were reports of the Government providing compensation to civilian victims of fighting between the Government and Taliban.

Child Soldiers.—The legal recruitment age for members of the armed forces was 18. There were unconfirmed reports of children younger than 18 falsifying their identification records to join the national security forces, which offered a large-scale source of new employment opportunities. There were no reports of forced child conscription by the Government; however, Integrated Regional Information Networks (IRIN), the AIHRC, and the UN reported children younger than 18 were being recruited and in some cases sexually abused by the ANP and government-supported local militias. A November 10 UN Security Council report detailed a case where two soldiers sexually abused a 16-year-old who had falsified an identity document and had been recruited by the ANA.

There were reports of Taliban forces using children younger than 18 in some cases as suicide bombers. Although most of the children were between 15 and 16 years old, children as young as 12 were used. UNAMA reported Taliban tricked, promised money, or forced the children to become suicide bombers.

Warlords and Taliban leaders were reported to be involved in the sexual exploitation of young men. Rule 19 of the Taliban Rule Book, updated in 2006, states, "Mujaheddin are not allowed to take young boys with no facial hair onto the battlefield or into their private quarters," implying sexual exploitation of young men had occurred.

Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004, more than 15,000 children affected by war have been supported through UNICEF's reintegration project in 28 provinces.

Other Conflict-Related Abuses.—As in the previous year, suspected Taliban members fired on NGO vehicles and attacked NGO offices. Violence and instability hampered relief and reconstruction efforts. In a study of 25 provinces, the NGO Safety Office reported 117 security incidents involving NGOs and aid workers between January 1 and August 31. International Rescue Committee, an international NGO that assists refugees, suspended operations for six weeks after armed men killed four of its staff in Logar Province on August 13. NGOs reported insurgents, locally powerful individuals, and militia leaders demanded bribes to allow them to bring relief supplies into the country. Assistance efforts were limited by the difficulties in moving relief goods overland due to insurgent threat. On September 14, a suicide bomber killed three UN workers who were part of a medical convoy in Kandahar. There were reports in Kandahar that anti-government forces attacked those who accepted foreign assistance, causing villagers to refuse aid. Due to the increasing violence, the UN considered more than one-third of the country inaccessible.

As in recent years, Taliban distributed threatening letters at night in villages and sent threatening text messages to intimidate and attempt to curtail development activities.

On July 26, Taliban allegedly destroyed a major bridge on the Kabul-Kandahar highway, media outlets reported. On July 29, the Ministry of Defense reported Taliban had tried to destroy a major hydroelectric power plant east of Kabul but national forces stopped them.

Militants used women and children as human shields either by forcing them into the line of fire or by basing operations in civilian settings. A September 8 report by Human Rights Watch documented how insurgent forces have contributed to the civilian toll from airstrikes by deploying their forces in populated villages, at times with the specific intent to shield their forces from counterattack.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, there were instances of insurgents, government officials, and Taliban intimidating journalists in order to influence reporting.

Some media observers contended individuals could not criticize the Government publicly or privately without fear of reprisal.

In 2007 the parliament voted to suspend MP Malalai Joya for the remainder of her term for comments she had made criticizing her fellow MPs during a televised interview. She remained suspended at year's end. Other members of parliament expressed criticism of government policies without incident.

The independent media were active and reflected differing political views. Approximately 650 print publications, 55 private radio stations, 15 television networks, and 10 news agencies operated during the year. There were 150 private printing

houses and 145 media and film production companies across the country. The two largest TV stations are Tolo TV, part of the Moby Media conglomerate, which has a 60 percent market share and Ariana TV, which has a 35 percent market share. The Government owns at least 35 publications and about the same number of radio stations. Under a new media law parliament passed in September, the Government gave some independence to Radio Television Afghanistan (RTA), the government-run media outlet.

Although some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The freedom of speech law covered foreign media; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the President.

During the year, various insurgents, government officials, and Taliban subjected members of the press to harassment, intimidation, and violence. According to independent media and observers, government repression and armed groups prevented the media from operating freely. Threatening calls and messages against media organizations also remained common and some resulted in violence. In late summer, several Kabul-based staff members of Radio Azadi, the local Radio Free Europe/Radio Liberty affiliate, received a series of threatening phone calls from callers who claimed to be connected to Taliban. In August in Kandahar, a female news anchor for a local television station left the province after she received threatening letters about her work. NDS agents detained numerous journalists for expressing views critical of government officials. According to Nai Media, the Government was responsible for at least 23 of the 45 reported incidents of intimidation, violence, or arrest of journalists between May 2007 and May 2008.

According to many media sources, private Iranians actively influenced Afghan media, dictating what to write and what not to write. Some media sources reported Iran had influence over 60 to 70 percent of the Afghan media in the country, and at least two private television stations based in Kabul were allegedly bankrolled by private Iranians. Some reporters said Iranian Embassy staff in Kabul called them to prevent the publication of articles criticizing Iran. There were also rumors that Iran paid secret salaries to a number of Afghan journalists, in Kabul as well as in the western provinces, and allegations that Iran intimidated reporters in the western provinces to increase the number of anti-government reports and decrease the number of anti-Iranian articles. Media sources and analysts contended many of the other private television stations and newspapers were bankrolled by, and produced content loyal to, various political factions, leaders, and warlords.

On July 28, the NDS arrested Muhammed Naseer Fayezi, news anchor and host of the political program "Haqqeqat" (The Truth) broadcast on Ariana Television. Immediately after the NDS detained Fayezi, the parliament issued a public statement condemning his detention and demanding his release. He was released after several days of questioning and stated the NDS told him to stop working in the media. Although the program remained on the air, Fayezi has not returned to the show and media sources report he was seeking asylum outside the country.

In 2006 authorities for the Office of the Attorney General detained satirist Dr. Khalil Narmgoi after he authored an article titled, "Who is the President-Hamid Karzai or Farooq Wardak?" criticizing the influence of President Karzai's then-Minister of Parliamentary Affairs. Narmgoi issued a public apology several days later, and authorities released him after 10 days. On June 20, NDS authorities rearrested Narmgoi in relation to the same incident. After a closed-door hearing in Kabul, authorities released Narmgoi on July 10.

In October 2007, police arrested Sayed Perwez Kambakhsh, a student at Balkh University and a journalist for Jahan-e Naw (New World) daily, after he downloaded and distributed information from the Internet regarding the role of women in Islamic societies. On January 22, Balkh primary court sentenced Kambakhsh to death for "insolence to the Holy Prophet." Kambakhsh appealed, and the Supreme Court transferred the case to a Kabul appeals court. On October 21, the appeals court commuted Kambakhsh's death sentence to 20 years in prison. Kambakhsh appealed to the Supreme Court, and he remained incarcerated at year's end.

The parliament passed a media law in September that contained a number of content restrictions. Under Article 45 of the law, the following are prohibited: works and materials that are contrary to the principles of Islam; works and materials offensive to other religions and sects; works and materials humiliating and offensive to real or legal persons; works and materials considered libelous to real and legal persons and that may cause damage to their personality and credibility; works and materials affecting the stability, national security, and territorial integrity of the country; false literary works, materials and reports disrupting the public's mind;

propagation of religions other than Islam; disclosure of identity and pictures of victims of violence and rape in a manner that damages their social prestige, and articles and topics that harm the physical, spiritual, and moral well-being of people, especially children and adolescents.

Also under the new media law, new newspapers, printers, and electronic media must be licensed by and registered with the Ministry of Information and Culture. There was concern within the media community that the new law would place greater restrictions on media content and create an overall climate of government intimidation and self-censorship. The Government strictly regulated and limited foreign investment in the media.

The Ministry of Information and Culture and some provincial governors exercised control over news content to varying degrees during the year. Factional authorities tightly controlled media in some parts of the country. Observers noted tighter controls, especially in the larger provinces of Balkh, Kandahar, Herat, and Nangarhar. Male journalists were not allowed to interview women for their reports. Journalists reported many reporters exercised self-censorship by not asking substantive questions of government officials. Members of the media reported they did not interview Taliban commanders or leaders due to government pressure. Observers also reported media self-censorship when broadcasting certain pieces, such as music videos, by obscuring parts of female images.

The Ministry of Information and Culture ordered four private television stations to stop broadcasting Indian soap operas by April 15. Several initially complied with the ban, but at the end of the year three of the four were again broadcasting the shows. In the case of one station, Tolo TV, the outlet reached a separate arrangement with the Ulema Council, the country's highest quasi-governmental religious authority, which allowed Tolo to broadcast Indian soap operas provided Tolo also dedicated a specific amount of airtime to religious programming.

Cumbersome licensing procedures restricted operations of publishing houses.

Nongovernmental actors also interfered in the operations of journalists. There were allegations private Iranians bribed and threatened reporters in the western provinces to increase the number of anti-government reports and decrease the number of anti-Iranian articles.

At least two journalists were killed during the year. On June 8, BBC journalist Abdul Samad Rohani was found dead in Helmand province several days after insurgents had kidnapped him. Although government officials alleged Taliban killed him, Taliban spokesman Qari Yusuf Ahmad denied any involvement in his death. A Norwegian journalist was among the eight victims of the January 15 Serena Hotel suicide attack. In April 2007 Taliban beheaded journalist Ajmal Naqshbandi in Helmand Province. He had been abducted the previous month, with Italian journalist Daniele Mastrogiacomo and their driver, Sayed Agha. After a personal appeal by the Italian prime minister to President Karzai, Mastrogiacomo was released on March 19 in exchange for Taliban prisoners. In June 2007 Shakiba Sanga Amaj, a female reporter for Shamshad Television, was killed. Authorities arrested two men, Arash Khairzad and Amaj's father. A court sentenced Khairzad to six months' imprisonment, and he has been released. The court acquitted Amaj's father, and he has left the country. Also in June Zakia Zaki, head of the local Radio Peace station, was killed in Parwan Province. Zaki had been critical of local warlords and had received threats. Authorities arrested six persons, but subsequently released them after a preliminary investigation. There were no new developments at year's end.

Many journalists reported receiving threats of harm from the Taliban if they did not publish stories released on Taliban Web sites or if they published stories favorable to the Government.

The President of the Afghan Independent Journalists Union reported several times a week throughout the year members of Islamic fundamentalist political parties sent him threatening text messages telling him to stop supporting media freedom.

Internet Freedom.—There were no government restrictions on access to the Internet or reports the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail messages. However, Sayed Perwiz Kambakhsh's case involved government sanction against distributing information he downloaded from the Internet. Internet access was unavailable to most citizens, and computer literacy and ownership rates were minuscule.

Academic Freedom and Cultural Events.—Through appointment of university officials and censoring and restriction on course content it deemed un-Islamic, the Government restricted academic freedom.

The Ministry of Information and Culture banned the showing of certain films including "The Kite Runner," media outlets reported.

Ten MPs drafted and attempted to introduce a bill that would ban obscene movies, female dancers, high-volume music at parties, and the wearing of shorts. The proposed bill also sought to ban training for certain women artists such as dancers. By year's end the parliament had not taken any further action on the bill.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice. Increased Taliban and other anti-government activity, particularly in the south and east, forced UN agencies and NGOs to cancel or curtail some public activities.

Freedom of Assembly.—A lack of physical security as well as interference from local authorities and security forces inhibited freedom of assembly in areas of the country where security was poor. In other areas protests occurred without government interference. On March 2, approximately 1,000 individuals in Mazar-e-Sharif protested a controversial Danish cartoon of the Prophet Mohammed and plans by a right-wing Dutch politician to release a film about Islam. On March 9, thousands in Herat protested the Danish cartoon. Media reports indicated the protesters had the support of local authorities. Police provided security but did not interfere with the protest. On May 23, ANP killed two civilians and injured seven during a protest in Ghor Province.

There were no developments in the May 2007 killing of 10 protestors by police in Jowzjan Province.

Freedom of Association.—The law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. At year's end there were approximately 100 registered political parties. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where anti-government violence affected overall security.

c. Freedom of Religion.—The constitution proclaims Islam is the "religion of the state" but allows non-Muslim citizens the freedom to perform their rituals within the limits determined by laws for public decency and peace. This right was not respected in practice. The constitution also declares no law can be contrary to the beliefs and provisions of Islam. For matters on which the constitution and penal code are silent—such as conversion and blasphemy—the courts defer to Shari'a. Family courts are governed by a Sunni Hanafi school-based civil code, regardless of whether the parties involved are Shi'a or Sunni. This civil code also applies to non-Muslims.

Licensing and registration of religious groups is not required; the Government assumes all native-born citizens to be Muslim. In practice non-Muslims faced harassment and social persecution and opted to practice their faith discreetly. According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice. In May 2007 the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i faith, declaring it a form of blasphemy. The ruling also declared all Muslims who convert to Baha'i to be apostates and all followers of the Baha'i faith to be infidels.

In November 2007, the National Council of Religious Scholars issued a declaration calling for moderation in freedom of expression and press freedom by urging individuals to avoid conduct that may be perceived as insulting to local traditions and religious values.

On September 11, a Kabul court sentenced former journalist Ahmed Ghous Zalmai and Mullah Qari Mushtaq to 20 years in prison for publishing a Dari translation of the Koran that allegedly contained errors and did not have an Arabic version published alongside the Dari for comparison. Zalmai and Mushtaq appealed their sentences to the Kabul Public Security Court. Proceedings were ongoing at year's end. Demonstrations calling for Zalmai's punishment were held in various towns, including a gathering in November 2007 in Jalalabad of reportedly more than 1,000 university students who demanded the death penalty for Zalmai.

Due to societal pressure, Christians were forced to remain underground, not openly practicing their religion or revealing their identity. During the year there were sporadic reports of harassment and threats against Christians. There was only one known Christian church in the country, located in the diplomatic quarter. Local nationals wishing to practice Christianity did so in private locations, as the church was not open to them. Members of the Government called for the execution of Christian converts.

Public school curricula continued to include Islamic content but no content from other religious groups. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. Members of some indigenous minority groups, such as Sikhs, operated private schools to avoid harassment and to provide religious and cultural education to their community. In July 2007 the MOE opened a school for local Sikh and Hindu children in Ghazni Province.

There are no laws forbidding proselytizing, although authorities viewed proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death under Shari'a. Foreigners caught proselytizing were arrested and sometimes deported.

The Government did not require women to wear burqas. Although some women continued to wear the burqa out of personal choice, many other women felt compelled to wear one due to societal or familial pressure. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam did occur.

During the year anti-government elements continued to attack pro-government religious leaders for supporting the Government or for stating activities conducted by terrorist organizations were against the tenets of Islam. According to media reports, on March 12, armed Taliban killed a religious scholar and teacher of religious studies of a religious school, Mowlawi Abdollah, in Nimroz Province. Anti-government elements killed two clerics; 11 clerics had been killed in 2007. These attacks also injured more than 20 other religious officials, compared with more than 30 in 2007.

Societal Abuses and Discrimination.—Since Shi'a representation has increased in government, there has been a decrease in hostility from Sunnis. However, social discrimination against Shi'a Hazaras continued.

There were approximately 500 Sikhs and Hindus in the country. Although those communities were allowed to practice their faith publicly, they reportedly continued to face discrimination, including intimidation; discrimination when seeking government jobs; and verbal and physical abuse in public places. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful local leaders occupied their property. The Government allocated a plot of land in Kabul for Sikhs to hold funerals.

Non-Muslims faced discrimination in schools. The AIHRC continued to receive reports students belonging to the Sikh and Hindu faiths were prevented from enrolling in some schools and others stopped attending due to harassment from both teachers and students. Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, but in practice the community felt unprotected. Although Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the Government.

There were no reports of anti-Semitic acts. There was only one known Jewish resident; he was the caretaker of a Kabul synagogue.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, certain laws limited citizens' movement, and the Government limited citizens' movement due to security interests. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In 2007, the parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative.

Taxi, truck, and bus drivers reported security forces and armed militants operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. Residents reported having to pay bribes to ANP and border police officials at checkpoints and the Khyber pass border crossing between Jalalabad and Pakistan. Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the south-east.

In July 2007, the MOI issued an order requesting it be informed of foreign aid and assistance workers' movements outside Kabul. The MOI maintained that this policy helped the Government protect and locate foreigners in cases of emergency. The policy remained in place at year's end.

In September, members of parliament accused the ministries of defense and finance of corruption in connection with passport processing. At year's end there was no result of the investigation. Ethnic Hazaras reported occasionally being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely.

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

According to the AIHRC, female residents deported from Iran remain in government custody until their family can verify or guarantee their citizenship.

Internally Displaced Persons (IDPs).—Authorities estimated there were more than 200,000 IDPs in the country at year's end. Many of these were members of the residual caseload of more than one million IDPs who left their places of origin because of drought in 1995, insecurity and drought in 2002, and human rights violations and ethnic-based conflict linked to land and property matters between 2003 and 2004. These individuals resided in camp-like circumstances. Most are in the south, but officially organized as well as spontaneous settlements have sprung up on the outskirts of major cities, including Kabul, Herat, and Jalalabad.

Authorities estimated approximately 44,600 individuals were newly displaced within the country during the year, including some 10,000 individuals due to insecurity and violence linked to armed conflict in their region of origin, approximately 6,600 persons newly affected by drought, and more than 28,000 returnees from Pakistan who have been unable to return to their places of origin and have settled temporarily in camp-like situations in the Eastern region. Most of these individuals originated from provinces in the south (Kandahar, Helmand, Uruzgan, and Zabul) and west (Herat and Badghis). Local governments provided housing assistance and, in some cases, food aid to conflict-affected IDPs through provincial emergency commissions consisting of the Ministry of Rural Rehabilitation and Development, Afghan Red Crescent Society, UNHCR, the International Organization for Migration, UNAMA, and UNICEF. UNAMA reported restricted access due to insecurity limited efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

In April, the Government launched a campaign to encourage approximately 200,000 IDPs to return to their place of origin from the three largest IDP camps in Kandahar, Helmand, and Herat. The Ministry of Refugees and Repatriation (MoRR) offered food and transport assistance to families that agreed to return within the first two months of the campaign. UNHCR provided transport assistance, tents, and food aid. Few IDPs accepted this offer, however, citing security and economic concerns as reasons not to return. A Ministry of Public Health (MoPH) official stated MoPH would not send health workers to the camp, citing continuing security concerns. In one instance in 2007, emergency assistance delivered by a PRT to a group of IDPs in Kandahar Province to which aid agencies had little or no access was seized by anti-government elements immediately after the PRT left the area. The UN reported underage recruitment of IDPs into the armed services in Helmand and Kandahar occurred during the year.

Since 2002, the Provincial Departments of Refugees and Repatriation and UNHCR have assisted approximately 489,000 individuals to return to their places of origin, mostly in the north. Approximately 450,000 IDPs returned spontaneously.

In June, approximately 7,000 families fled their homes in the Arghandab district of Kandahar due to military operations in the area. Also in June fighting in Bamyan between Kuchis and Hazaras displaced 7,000 families, some to Kabul and some to other central highland areas. By year's end, most of these families had returned to their villages. In July approximately 150 families fled their homes in Qaisar district of Faryab province due to a conflict between anti-government elements and other residents.

Protection of Refugees.—The constitution states all matters related to asylum would be regulated by law, and the Government ratified the 1951 Convention on the Status of Refugees and its 1967 protocol. There are, however, no laws providing for granting asylum or refugee status in accordance with the constitution or the 1951 Convention and its 1967 protocol. The Government has not established a system for providing protection to refugees.

Although the Government did not officially grant refugee status or asylum, in practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Govern-

ment accepted the UNHCR's presence in the country and recognized the UNHCR's mandate to deal with both refugees and asylum. The UNHCR issued letters to individuals confirming their refugee or asylum status and the Supreme Court similarly recognized refugees under the Shari'a, such as converts to Islam. Through these means, the UNHCR and the Government provided legal and material assistance to asylum seekers and refugees from Iran, Iraq, and other countries.

From August to October, approximately 4,000 families fled from Bajaur tribal agency in Pakistan to Kunar Province, Afghanistan. Some fled to escape Pakistani military operations against insurgents and some in response to an October order by the Political Agent in Bajaur Agency ordering all Afghans to leave. The Kunar Provincial Government estimated one-third of those who crossed the border were Afghans, and two-thirds were Pakistani. Most sought shelter in the homes of relatives in Kunar.

The country continued to focus on providing services for its own returning refugees. Since 2002, approximately five million refugees have voluntarily returned to the country, more than 4.3 million with UNHCR assistance.

During the year, the UNHCR assisted more than 277,801 returning refugees, including 274,172 from Pakistan. A total of 3,188 documented Afghan refugees voluntarily returned from Iran with assistance from UNHCR, as of mid-November. The return numbers significantly decreased from the previous year's 365,000, largely due to the UNHCR's decision to offer unregistered Afghans living in Pakistan a one-time opportunity to repatriate with UNHCR assistance in 2007. During 2007 approximately 206,000 unregistered individuals took advantage of this opportunity. Although fewer refugees returned to the country during the year than in 2007, almost twice as many returned as in 2006.

The continuing insurgency and related security concerns, as well as economic difficulties, discouraged numerous refugees from returning to the country. In Pakistan, three of the four Afghan refugee camps scheduled for closure during the year remained open. Minister of Refugees and Returnees Shir Mohammad Etibari publicly rejected UNHCR's calls to boost the repatriation of Afghan refugees, citing lack of capacity and resources to absorb more needy citizens. During the August 30 Tripartite Meeting among Afghanistan, Pakistan, and UNHCR, Pakistan abandoned its unilateral December 31, 2009, deadline to repatriate all Afghan refugees.

The UNHCR estimated approximately 2.6 million refugees were living in Iran and Pakistan. Iran continued to deport economic migrants. During the year, Iran deported more than 403,450 Afghans who were illegally in Iran. The vast majority were single men seeking work. Some were vulnerable individuals who needed humanitarian assistance upon arrival in Afghanistan. Common types of extreme vulnerability, as defined by the UNHCR, were minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness. Furthermore, a small number of registered refugees were swept up in the deportations and have had difficulty returning to Iran. The Afghan government and the UNHCR protested these expulsions.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the 2004 Presidential and 2005 parliamentary elections.

Elections and Political Parties.—In 2004, citizens chose Hamid Karzai to be the first democratically elected President in an election that was perceived as acceptable to the majority of the country's citizens. Observers stated it did not meet international standards and noted irregularities, including pervasive intimidation of voters and candidates, especially women.

In 2005 citizens elected 249 members of the Wolesi Jirga, the lower house of the National Assembly, in an election the majority of citizens viewed as credible. The AIHRC and UNAMA reported local officials tried to influence the outcome of the 2004 and 2005 elections. In 2005, anti-government forces killed seven parliamentary candidates, two parliamentarians-elect, and at least four election workers. Militants targeted civilians and election officials in a campaign to derail national elections. According to Human Rights Watch, in the south and southwest anti-government forces drove down participation to nearly one-third of registered voters.

On October 6, voter registration for the 2009 Presidential and provincial council elections and the 2010 parliamentary elections started under the direction of the Independent Election Commission.

The President and provincial councils selected members of the Meshrano Jirga, the upper house of the National Assembly.

There was no established tradition of political parties; however, they slowly grew in importance in the National Assembly. The MOJ recognized more than 100 accredited political parties. Political parties generally were able to conduct activities throughout the country, except in regions where anti-government violence affected overall security. Many tribal leaders, former mujaheddin leaders, and insurgents were active MPs. There were reports that some used fear and intimidation to influence the votes of other members. AIHRC and UNAMA reported officials sometimes interfered with political parties. The parties also exercised significant self-censorship. Political parties were visibly suppressed or curtailed in some parts of the country.

Although women's political participation gained a degree of acceptance, there were elements that continued to resist this trend. Women active in public life faced disproportionate levels of threats and violence. As required by law, there were 68 women in the 249-seat Wolesi Jirga. President Karzai appointed 17 women to serve in the 102-seat Meshrano Jirga, and an additional six female MPs were elected to that house, bringing the total to 23 women in the Meshrano Jirga. There was one woman in the cabinet. There were no women on the Supreme Court.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained of not having equal access to local government jobs in provinces where they were in the minority. The law requires 10 seats of the Wolesi Jirga be allocated to Kuchis. Some members of parliament disagreed with this allotment arguing that under the constitution all groups were to be treated equally.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. In March, the UN Office on Drugs and Crime released a statement urging the Government to crack down on major smugglers—some linked to government officials—and stated drug lords and corrupt government officials operated with impunity. The Government took some steps to address corruption including becoming a state party to the UN Convention against Corruption, adopting new anticorruption legislation, and establishing a new anticorruption body. However, not all of these actions had been implemented by year's end. The Government hired two anticorruption unit employees in September and initiated training for the employees in November. The President replaced a cabinet minister, several governors, police chiefs, and other officials because of their corrupt practices.

A lack of political accountability and technical capacity to monitor government spending exacerbated government corruption, as did low salaries. Observers alleged governors with reported involvement in the drug trade or past records of human rights violations nevertheless received executive appointments and served with relative impunity.

The constitution provides citizens the right to access government information, except when access might violate the rights of others. The Government generally provided access in practice, but officials at the local level were less cooperative to requests for information. Lack of government capacity also severely restricted access to information.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Hundreds of local human rights NGOs operated independently and included groups focusing on women's rights, media freedom, and rights of disabled persons. Government officials were generally cooperative and responsive to the organizations' views. The lack of security and instability in parts of the country severely reduced NGO activities in these areas.

Militant groups and Taliban directly targeted NGOs during the year. The Government cooperated with international governmental organizations and permitted them to visit the country.

UN Rapporteur on Extrajudicial, Summary, and Arbitrary Execution Philip Alston visited the country in May and held extensive talks with commanders of international forces, government officials, tribal elders and other actors. He reported that insurgents had killed at least 300 civilians and international forces had killed approximately 200 others as of his visit. The main themes of Alston's preliminary report included increasing the transparency of international military forces' investigations of collateral casualty incidents; increasing accountability of "campaign forces" responsible to intelligence agencies; reforming police and the judicial system; curb-

ing Taliban and other anti-government elements' abuses; and addressing the often overlooked extrajudicial killing of women.

Special Representative of the UN Secretary General for Children and Armed Conflict Radhika Coomaraswamy visited in June and July. She reported the number of children anti-government forces exploited for military purposes had increased during the previous few months; Taliban used children as "suicide attackers," and the ANP and pro-government militias recruited children, who then were vulnerable to sexual abuse.

The constitutionally mandated AIHRC continued to address human rights problems. The President appointed the nine-member commission, which generally acted independently of the Government, often voicing strong criticism of government institutions and actions, and accepting and investigating general complaints of human rights abuses. The AIHRC operated 12 offices outside Kabul. The AIHRC was reasonably influential in its ability to raise public awareness and shape national policy on human rights. In 2007 some MPs sought to review the law that defines the mandate of the AIHRC and proposed the AIHRC include religious scholars educated in Shari'a. No action was taken on the mandate of the AIHRC by year's end. In 2007 however, President Karzai appointed a religious scholar as a commissioner who continued in this role throughout the year. The Government did not fund the AIHRC, which continued to rely on international donors.

In 2005 the Government developed the Action Plan for Peace, Justice, and Reconciliation (APPRJ), in coordination with the AIHRC and UNAMA. The plan included symbolic measures, such as the creation of national memorial sites and a national museum; institutional reform by vetting civil service employees for involvement in past atrocities, and reform of the judiciary; truth-seeking documentation of past atrocities; promotion of national reconciliation and unity through public debate and awareness; and establishment of accountability mechanisms to bring to justice those responsible for grave human rights abuses. A November 3 report by the International Center for Transitional Justice noted the Afghan government had shown little political will to promote transitional justice efforts. During the year, a committee on senior appointments reviewed nominees for certain senior-level positions, checking the candidates' backgrounds with several sources including the Disbandment of Illegal Armed Groups (DIAG) organization and the AIHRC before clearing the candidate for appointment. In 2007, both houses of the parliament, which included many human rights abusers, passed versions of an amnesty law that granted immunity to any citizens involved in the country's two and a half decades of conflict, provided those persons recognized the central government and the constitution. At year's end, President Karzai had not signed the law. The Government did not take any affirmative action in support of transitional justice.

There are three parliamentary committees that deal with human rights in the Wolesi Jirga: the Gender, Civil Society, and Human Rights Committee; the Counter-narcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns. During the year, these committees vetted several draft laws that went before the parliament and conducted confirmation hearings on several Presidential appointees.

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

The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. Equal rights based on race, disability, language, or social status are not explicitly mentioned in the law. There were reports of discrimination based on race, ethnicity, religion, and gender.

Women.—The law criminalizes rape, which is punishable by death, but under Shari'a, which the country's laws draw from and cannot conflict, the criminalization did not extend to spousal rape. Under Shari'a, a rape case requires a woman to produce multiple witnesses to the incident, while the man need simply claim it was consensual sex, often leading to an adultery conviction of the victim. Adultery is defined in the Penal Code and designated a crime; premarital sex is not designated a crime, but local officials often considered it a "moral" offense. While the MOI reported 226 cases of rape during the year; however, the actual number of cases generally was believed to be much higher. Of the reported cases, 28 were charges of rape against females and 198 were of rape against males. The MOI reported 172 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document due to social stigma. Female victims faced stringent societal reprisal from being deemed unfit for marriage to being imprisoned. According to NGOs jail authorities frequently raped women imprisoned overnight in jail.

The Afghan penal code criminalizes assault, and courts entered judgments against domestic abusers under this provision. According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, armed individuals, parallel legal systems, and institutions of state such as the police and justice system. Many elements of society tolerated and practiced violence against women. A Kabul women's shelter reported receiving 50 new cases of domestic violence victims a month from MOWA referrals. According to the shelter's report the weak economy and poor security contributed to the incidence of domestic violence. Authorities rarely prosecuted abusers and only occasionally investigated complaints of violent attacks, rape, or killings, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly. The director of a women's shelter in Kabul noted domestic violence occurred in most homes but went largely unreported due to societal acceptance of the practice. Domestic violence usually consisted of beating women and children and, less often, burning women. During the year, the AIHRC initiated additional efforts to collect statistics on violence against women.

There were at least 19 women's shelters across the country. The five shelters in Kabul were home to more than 100 women and girls. The Ministry of Women's Affairs (MOWA) and other agencies referred women to the centers, which were designed to give protection, accommodation, food, training, and healthcare to women escaping violence in the home or seeking legal support due to family feuds. According to the MOWA, as many as 20 women and girls were referred to the MOWA's legal department every day; however, space at the specialized shelters was limited. Women in need of shelter who could not find a place in the Kabul shelters often ended up in prison.

The concept of women's shelters was not widely accepted in society, as many persons treated them with distrust and did not understand their utility. The director of one shelter stated she always referred to the location as a mediation center, as "shelter" was considered a negative word. Policewomen trained to help victims of domestic violence complained they were instructed not to do outreach to victims but simply to wait for victims to show up at police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted. UNAMA reported police leadership often did not provide female officers with equipment or vehicles necessary to do outside investigations. A Herat-based NGO, however, reported recently graduated women police officers there were active in crime investigation including investigating cases of domestic violence. During the year, a local NGO conducted four domestic violence trainings for 240 ANP officers in Kabul, including those working in ANP Family Response Units. The Family Response Units are staffed primarily by female police officers and address violence and crimes against women, children, and families. They offer mediation and resources to prevent future instances of domestic violence.

Women continued to face pervasive human rights violations and remained largely uninformed about their rights under the law. Discrimination was more acute in rural areas and small villages. Women in urban areas continued to make strides toward greater access to public life, education, health care, and employment; however, the denial of educational opportunities during the continuing insurgency, as well as limited employment possibilities and the threat of violence, continued to impede the ability of many women to improve their situation.

Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, exchange of girls to settle disputes, kidnappings, and honor killings. In some rural areas, particularly in the south, women were forbidden to leave the home except in the company of a male relative.

In May, a man shot and killed his wife and another man with whom she had been seen in Pul-e-Khumri. On June 4, a man in Baghlan Province beheaded his bride three days after their wedding. According to the AIHRC, there were 2,558 cases of violence against women during the year. Although police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages, increasing numbers of female attorneys successfully represented female clients in these types of cases in both formal courts and in traditional shura proceedings.

The AIHRC estimated approximately 40 percent of marriages were forced, and distinguished this category from 20 percent of marriages that were "arranged," the latter allowing the woman the choice to decline marriage but not to choose her spouse. During the year the AIHRC recorded 30 cases of women given to another family to settle disputes, although the practice is outlawed by Presidential decree. The unreported number was believed to be much higher.

On June 8, a 20-year-old woman committed suicide in Kunduz Province because of a forced marriage to an old man, media outlets reported. According to a security commander, an investigation was under way at year's end.

According to a report released during the year by *Womankind*, 87 percent of women complained they were victims of violence, half of it sexual. According to the report, more than 60 percent of marriages were forced and, despite laws banning the practice, 57 percent of brides were under the legal marriage age of 16. The report stated many of these girls were offered as restitution for a crime or as debt settlement.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman had remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women resided in detention facilities because they had run away from home due to domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 remained detained in Pol-e-Charkhi prison having been captured after fleeing abusive forced marriages.

The AIHRC documented a total of 76 honor killings throughout the year; however, the unreported number was believed to be much higher. In September, according to a local NGO, an 18 year-old woman in Kapisa Province was killed by her brother because she had run away from a forced marriage. Reportedly, after the woman ran away to a Kabul women's shelter the Governor of Kapisa intervened in the case, sheltered her, and forced the woman's mother to return her to Kapisa, resulting in her death.

Women occasionally resorted to self-immolation when they felt there was no escape from their situations. During the year the AIHRC documented 72 cases of self-immolation, in contrast to 110 cases in 2007. Other organizations reported an overall increase during the past two years. According to the AIHRC, almost all the women had doused themselves with gasoline and set themselves alight. In Herat Province, during the first six months of the year, the Herat city hospital alone recorded 47 cases of self-immolation, of whom 40 died. There have also been reports of relatives setting women on fire to create the appearance of self-immolation.

Women active in public life faced disproportionate levels of threats and violence. Supported by official government policy, women's political participation gained some acceptance, even as conservative elements and insurgents resisted the trend.

Many female MPs reported death threats. Women were also the targets of Taliban and insurgent attacks.

As in the past, insurgents issued night letters threatening women working for the Government, local NGOs, and foreign organizations. Women who received threats were often forced to move constantly to evade those harassing them.

Prostitution was illegal but existed. Many observers, journalists, and international organizations also believed "temporary marriages" were a form of prostitution. Temporary marriages allowed for short-term marriage, lasting from one day to a few months, in exchange for a dowry. Several Chinese restaurants were believed to serve as fronts for brothels where prostitutes were solicited.

There is no law specifically prohibiting sexual harassment.

Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local family and property law were not explicitly discriminatory toward women, but in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on Shari'a and tribal custom, which generally were discriminatory toward women. Most women reported limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported informal intervention from the Government through letters to local courts encouraging interpretations of the law more favorable to women.

The Government and NGOs continued to promote women's rights and freedoms, but according to MOWA, women made up less than 25 percent of government employees. There were efforts to integrate gender units into several ministries. The foreign minister hired a woman as his chief of staff.

The MOWA, the primary government agency responsible for addressing the needs of women, had provincial offices, but the organization suffered from a lack of capacity and resources. However, the provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

Informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women, even in Kabul, wore head covering. In rural areas

and villages made more accessible by new roads, formerly unveiled women donned burqas when they worked in the fields to avoid being seen by strangers.

Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture.

Children.—The Government demonstrated a continuing commitment to address the concerns of vulnerable children and their families. In 2006 the Government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Work, Social Affairs, Martyred, and Disabled (MOWSAMD) to improve care for vulnerable children and families. In 2007, the Ministry of Public Health (MOPH) trained 500 health workers on prevention of child abuse and violence against children.

The law makes education mandatory up to the secondary level and provides for free education up to the college level.

In most of the country the enrollment of girls in schools may have increased, in some places significantly. However, nearly one-third of districts and several provinces had no schools for girls. Girls' enrollment was as low as 15 percent in some areas. Even in secure areas such as Kabul, where access to schools was not an issue, some male family members did not allow girls to attend school. In most regions boys and girls attended primary classes together but were separated for intermediate and high school-level education.

Due to insecurity, inadequate facilities, severe shortage of female teachers, and lack of motivation to send girls to school, the status of girls and women in education remained a matter of concern. In some villages girls stopped attending school at the age of 12 or 13 because parents would not permit their teenage girls to be taught by adult men. The general lack of protection of schools from attacks and inadequate and distant facilities, resulted in lower enrollment and higher dropout rates among girls, as did early and forced marriages.

Violence continued to impede access to education in some parts of the country where Taliban and other extremists threatened or attacked schools, officials, teachers, and students, especially in girls' schools. Where schools did remain open, parents were often afraid to send their children to school, particularly girls. The majority of school-related violence occurred in 11 provinces in the southern and border regions. The MOE reported more than 120 schools were attacked during the year and approximately 651 schools had been closed due to insecurity, preventing approximately 173,443 students from receiving an education than in the previous year. For example, in Helmand Province 71,203 fewer students attended schools and more than 190 schools remain closed due to insecurity. UNICEF reported from January 2007 to June 2008 there were 311 confirmed attacks on schools, resulting in 84 deaths and 115 injuries to schoolchildren, teachers and other school employees. On November 12, in Kandahar, men threw acid in the face of female students outside a school. The Government promptly condemned this action and arrested 10 suspects in the case. Hundreds of schools in insecure areas have had to close, UNICEF reported.

NGOs and aid agencies reported during the year insecurity, conservative attitudes, and poverty denied education to more than two million school-age children, mainly in the south and southeastern provinces.

Child abuse was endemic throughout the country, ranging from general neglect, physical abuse, abandonment, and confinement to working to pay off family debts. The Ministry of Work and Social Affairs stated that child labor and police beatings frequently occurred and more than five million children lived in desperate need of humanitarian assistance. During the year drought and food shortages across the country forced many families to send their children onto the streets to beg for food and money. According to an AIHRC report during the year, police regularly beat children they took off the streets and incarcerated them. Detention centers for "young offenders" deprived children of the right to an education, the report stated. In a statement commenting on the AIHRC report, UNICEF reported a punitive and retributive approach to juvenile justice predominated throughout the country. Although it is against the law, corporal punishment in schools remained common.

The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated 60 percent of girls were married before 16. There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states marriage of a minor may be conducted by a guardian. In March 2007, the Supreme Court approved a new marriage contract stipulating the man needs to verify his bride is 16 years of age, and marriage certificates would not be issued for underage brides. According to local NGOs, legal proceedings based on this contract proceeded in Kabul. The proceedings often took longer than a week, and a local shelter housed numerous

women during the course of these proceedings. The AIHRC estimated as many as 70 percent of reported cases of domestic violence have roots in child marriage.

Sexual abuse of children remained pervasive. During the year an AIHRC study found most child victims were abused by extended family members. A UNHCR report noted boys were also abused by tribal leaders. In 2008, the MOI recorded 36 cases of rape of young boys, following approximately 80 documented cases in 2007; the unreported number is believed to be much higher. According to the AIHRC, only 24 percent of child sexual abusers are incarcerated.

According to MOI the number of reported sexual assaults on children in the north significantly increased during the year. UNAMA reported 80 cases of rape of girls between ages 8 and 14 in Takhar province during the year. The AIHRC attributed the relatively high number of reported cases of rape in the north to greater insecurity inhibiting reporting in the south. Due to ongoing violence in many areas of the south, aid organizations and government agencies could not assist victims or investigate crimes to the same degree as in more secure northern provinces.

On May 3, media outlets reported in Takhar Province a cousin and two of his friends suffocated and gang-raped an eight-year-old girl. MOI began a series of crackdowns including arresting a man in Mazar-e-Sharif in August for sexually abusing a young boy in a videogame arcade. In August the AIHRC reported a group of men gang raped a three-year-old girl in northern Jowzjan province. On September 25, Kabul police arrested seven persons for gang-raping a 12-year-old girl, media outlets reported. Legal proceedings in these cases were unresolved or ongoing at year's end.

Displacement due to the conflict also affected children. NGOs estimated up to one-third of all refugees were children, and street children remained a problem in urban areas, although no reliable estimates were available. Street children had little to no access to government services, although several NGOs provided access to basic needs such as shelter and food.

Living conditions for children in orphanages were unsatisfactory. Children reported mental, physical, and sexual abuse, were sometimes trafficked out of state-run orphanages, and did not always have access to running water, health services, recreational facilities, or education. In Badghis, Province an orphanage administrator raped and impregnated a 15-year-old girl, UNODC reported. Local authorities arrested the administrator, and the investigation continued at year's end.

Trafficking in Persons.—A new law enacted on July 14 prohibits trafficking in persons. The law defines trafficking in persons as the transfer, transit, employing, keeping, and or giving a person in one's control for the purpose of exploitation or taking advantage of weak financial status or helplessness by spending or taking money or interest or other means of deception to gain the consent of the victim or the guardian of the victim. A trafficker is defined as someone who takes part in human trafficking in person or persuades, encourages, or provides facilities to others to commit human trafficking. The law also contains extensive provisions to protect victims of trafficking and to coordinate among government agencies involved in prosecution and protection efforts.

The country is a source, transit point, and destination country for human trafficking. It is a source for women and children trafficked internally and to Iran, Pakistan, and Saudi Arabia for forced labor and commercial sexual exploitation. Children are trafficked internally for forced labor as beggars or for debt bondage in the brick kiln and carpet industries. Local women and girls are kidnapped, lured by fraudulent marriage or job proposals, or sold into marriage or commercial sexual exploitation within the country and elsewhere. IOM reported 14 cases of child trafficking during the year, although many believe this was a low estimate.

By year's end, MOI had trained and deployed more than 10,000 Afghan Border Police to every border, including Kabul International Airport and land border crossing points, for immigration control. In March IOM and the ANP conducted training on investigation and prosecution of trafficking cases for all criminal investigations department (CID) heads. Immediately after the training, ANP created a counter-trafficking unit (CTU) and staffed it with six IOM-trained officers dedicated to the investigation of trafficking cases. From March 2007 to March 2008, MOI handled 88 trafficking cases, made 134 arrests, and rescued 15 victims.

The MOI, MOJ, and Supreme Court requested from IOM and scheduled training on the implementation of the law. The MOWA cooperated closely with NGOs that provide counseling and shelter to victims of domestic violence.

The Government made modest improvements in its protection efforts. The Government cooperated with Saudi Arabia to repatriate children trafficked for forced begging. The MOWSAMD, with the assistance of UNICEF, set up a transit center to assist with these returns, and other agencies such as the AIHRC helped with the

children's reunification and reintegration. The transit center remained in operation and also served to reintegrate children affected by the conflict.

Selling of children increased in the north due to poverty. In January six children were sold in Balkh, Baghlan, Kunduz, and Takhar provinces, according to media reports.

MOJ ran an Italian-supported juvenile rehabilitation center where minor victims of trafficking in need of shelter assistance were accommodated. NGOs operated shelters that provided medical, psychological, and legal counseling. Adult victims were sometimes jailed.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and protect their rights, including health care and financial protection. The constitution also requires the state to adopt necessary measures to reintegrate and ensure the active participation of persons with disabilities in society. The Government did not effectively enforce these protections. The Ministry of Urban Development and Housing built access ramps for persons with disabilities around the Kabul Municipality building and in all Kabul public bathrooms. In April, the Ministry of Work, Social Affairs, Martyrs, and Disabled (MOWSAMD) released the Afghanistan National Disability Plan 2008–2011 (ANDP), which aims to address the rights and needs of all persons with disabilities.

According to the 2006 National Disability Survey, the country's population included 747,500 to 867,100 persons with severe disabilities, including 17 percent who had disabilities as a result of war and approximately seven percent as a result of landmines. More than 72 percent of all persons with disabilities have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 of 330 districts. The MOWSAMD worked to coordinate and develop policy strategies that create employment opportunities, access to education, health care, and greater mobility for citizens with disabilities. During the year ministry services extended to only 16 of the 34 provinces. Groups advocating the rights of persons with disabilities repeatedly protested the inaction of the MOWSAMD.

In the Meshrano Jirga two of the 34 seats appointed by the President were reserved for persons with disabilities.

National/Racial/Ethnic Minorities.—On June 15, a violent clash between Hazaras and Kuchis in the Behsud District of Wardak province continued for several weeks. Kuchi representatives claimed Hazaras killed 30 Kuchis in the clash, but the AIHRC did not find evidence to support these claims. In an August 18 report, the AIHRC noted fighters killed 24 Hazara residents of the area during the conflict. The AIHRC also reported that as a result of the conflict, villagers evacuated 400 villages, and fighters burned 79 houses, 10 shops, and three mosques. According to the AIHRC, the ANA response to the conflict was ineffective and failed to prevent an escalation of violence. The AIHRC reported ANP units were successful in preventing some violence and allowing some villagers to return to agricultural activities.

In early September repatriated Pashtuns and other residents of Khowja Bahawodeen district of Takhar province clashed regarding the resettlement of the Pashtuns in the area. President Karzai sent a delegation to mediate. Some Pashtun members of parliament strongly criticized the behavior of the Takhar people and threatened that if the conflict continued, Pashtuns would attack minority ethnic groups living in Pashtun majority areas. The President dispatched ANA units to the area and their efforts combined with those of the Government mediators resulted in rapid cessation of violence.

Claims of social discrimination against Hazaras and other Shi'as continued. The Hazaras accused President Karzai, a Pashtun, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras.

A 2006 UNHCR paper reported that although there were attempts to address the problems ethnic minorities faced and there were improvements in some areas, there was still a well-founded fear of persecution. Confiscation and illegal occupation of land by insurgents and tribal leaders caused displacement in isolated situations. Other forms of discrimination concerned access to education, political representation, and civil service employment. A 2006 UNHCR paper reported that although the Government attempted to address the problems faced by ethnic minorities and some areas improved, there was still a well-founded fear of persecution by tribal and insurgent leaders. Confiscation and illegal occupation of land by powerful individ-

uals, in some cases tied to the insurgency, caused displacement in isolated situations. Discrimination, at times amounting to persecution, continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse and detention.

According to the UNHCR report, although Ismailis (a minority Shi'a Muslim group who follow the Aga Khan) were not generally targeted or seriously discriminated against, they continued to be exposed to risks.

Other Societal Abuses and Discrimination.—The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition.

Section 6. Worker Rights

a. The Right of Association.—The law provides broad provisions for protection of workers, and in January 2007 the parliament passed a new labor law that allows workers to join and form unions. Implementation remained a problem due to lack of funding, personnel, political will, and a central enforcement authority. Labor rights were not understood outside the Ministry of Labor and Social Affairs, and workers were not aware of their rights.

b. The Right to Organize and Bargain Collectively.—The Government allowed several unions, including Central Council National Union Afghanistan Employees (CCNUAE), the largest, and several smaller unions to operate without interference. However, the Ministry of Labor reported only the CCNUAE was legally registered and thus officially recognized by the Government. The 2007 law does not provide for the right to strike and does not protect collective bargaining. Unions were not involved in drafting the law. The country lacked a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. There were reports of women and girls given away as laborers to another family to settle disputes and debts. Many employers subjected child laborers to sexual exploitation and forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law recognizes the standard legal age for work as 15, but there are provisions for 13- and 14-year-olds to work as apprentices, provided they work only 35 hours per week. Under the law, children under 13 may not work under any circumstances. There was no evidence that authorities in any part of the country enforced child labor laws. Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work and there were more than one million child laborers under age 14. Most child laborers worked as street vendors or shopkeepers. Others in northern provinces worked in the carpet weaving industry. Some sectors in which child labor was concentrated exposed children to the dangers of landmines. AIHRC reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. According to Save the Children, there were as many as 5,000 child laborers in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones.

MOWSAMD reported the Government was working on the problem of child labor. The NSFCAAR addressed child labor and demanded the creation of diversified services for vulnerable families to prevent family separation and exploitation of children. MOE efforts to promote universal basic education, such as workshops in schools and outreach to employers, also contributed to the prevention of exploitative child labor.

e. Acceptable Conditions of Work.—MOL reported the minimum wage was 2,000 Afghanis per month (\$40) for government workers and applied to the private sector as well. The parliament passed a law to increase the minimum wage to 4,000 Afghanis (\$80), but President Karzai had not signed the law at year's end. The minimum wage did not provide a decent standard of living for a worker and family and was not observed in practice. Wages were determined by market forces, or, in the case of government workers, dictated by the Government. During the year, World Monitors Inc. visited several power company worksites and reported wages were often paid based on family affinity rather than on a set rate.

The law defines the standard workweek as 40 hours per week, eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, and miners and other occupations that present health risks. Many employers allotted workers time off for prayers and observance of religious holidays. The law provides workers the right to

receive wages, annual vacation time in addition to national holidays, compensation for injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, per diem for official trips, daily transportation, food allowances, night shift differentials, retirement rights, and compensation for funeral expenses in case of death while performing official duties. These standards were not effectively enforced, and citizens were not generally aware of the full extent of their labor rights under the law.

There were no occupational health and safety standards and no enforcement mechanism. Employment was at will, and although there was a Ministry of Labor and Social Affairs, there were few if any protections for workers under either the 1987 or the 2007 law. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment, as all employment could be terminated without cause.

BANGLADESH

Bangladesh is a parliamentary democracy of 150 million citizens. On December 29, the Awami League (AL) led by Sheikh Hasina Wazed won 230 of 299 Parliamentary seats in elections considered by international and domestic observers to be free and fair and marked by isolated irregularities and sporadic violence. The elections and the peaceful transfer of power that followed ended two years of rule by a military-backed caretaker government. Khaleda Zia, head of the Bangladesh Nationalist Party (BNP), stepped down as prime minister in October 2006 when her term of office expired and transferred power to a caretaker government to prepare for general elections the following January. In the wake of political instability in January 2007, President Iajuddin Ahmed, then head of the caretaker government, declared a state of emergency and postponed the elections, appointing the new military-backed caretaker government led by Fakhruddin Ahmed, the former Bangladesh Bank governor, who in July 2007 pledged that elections would be held by the end of 2008. Although civilian authorities generally maintained effective control of the security forces, these forces frequently acted independently of government authority.

Although levels of violence declined significantly and the caretaker government oversaw successful elections, the Government's human rights record remained a matter of serious concern, in part due to the state of emergency that remained in place for most of the year and the failure to fully investigate extrajudicial killings. The state of emergency, which was relaxed temporarily in advance of local elections in August and finally lifted on December 17, curtailed many fundamental rights, including freedom of expression, freedom of association, and the right to bail. The Government promulgated the Emergency Powers Rules (EPR) 2007 and Emergency Powers Ordinance 2007 to enforce the state of emergency. The anticorruption drive that the Government initiated, while greeted with popular support, gave rise to concerns about fairness and equity under the law. For most of the year the Government banned political activities, although this policy was enforced unevenly. There was a decrease in the number of extrajudicial killings by security forces, but they committed serious abuses, including extrajudicial killings, custodial deaths, arbitrary arrest and detention, and harassment of journalists. Some members of security forces acted with impunity and committed acts of physical and psychological torture. Violence against women and children remained a serious problem, as did trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed numerous extrajudicial killings. The police, Bangladesh Rifles (BDR), the military, and the Rapid Action Battalion (RAB) sometimes used unwarranted lethal force.

While there was a nearly 20 percent decrease in the overall number of killings by all security personnel, the Government and military did not take any public measures to investigate these cases. The number of killings by the police and combined security forces also increased. According to local human rights organizations, no case resulted in criminal punishment, and, in the few instances in which the Government levied charges, those found guilty generally received administrative punishment.

According to reports published by the media, local human rights organizations, and the Government, the RAB—a paramilitary unit composed primarily of seconded personnel from different law enforcement agencies—killed 68 persons during the

year. The average number of such deaths dropped from eight per month in 2007 to less than six per month during the year. Combined security units comprising RAB members and police killed 15 persons during the year. The deaths, many under unusual circumstances, occurred during law enforcement operations or while the accused were in custody. The Government, however, often described these deaths as “crossfire killings,” “gunfights,” or “encounter killings,” all terms to describe exchanges of gunfire between the RAB or police and criminal gangs.

According to reports in the media, from local human rights organizations, and from the Government, law enforcement officials were responsible for 149 deaths, 136 of which were attributed to crossfire. According to reported figures, this total represented a 19 percent drop from the previous year. The RAB accounted for 65 “crossfire” killings; members of the police were responsible for 50; combined security units comprising RAB and police were responsible for 15; and the coast guard, Bangladesh Rifles, and Joint Forces committed a combined six crossfire killings. Since 2004 when the Minister for Law, Justice, and Parliamentary Affairs stated that crossfire deaths under RAB or police custody could not be considered custodial death, the Government has not disclosed publicly any prosecution of a RAB officer in a killing.

According to Odhikar, a leading human rights organization, there were 116 deaths in custody during the year, including 66 deaths in prison.

For example, on June 18, according to Odhikar and eyewitness accounts, officers from the RAB 12 shot and killed Abdur Rashid Malitha and Nasima Akhtar Rikta in Baradi, Kushtia. According to family members and the RAB, Malitha was a founder of the Purbo Bangla Communist Party-Marxist Leninist (PBCP-ML) Janajuddha. Several RAB officers conducted the raid after investigating a number of muggings in the area that had been linked to Malitha. According to Malitha’s brother, Golam Hossain Akash, who was present during the raid, RAB officers shot both victims at point blank range. Akash died eight days later in the custody of RAB 12, although he was not wanted on any charges. The physician who conducted Malitha and Rikta’s post-mortems stated that there were six bullet wounds to Malitha’s chest and ribs, that Rikta’s skull was blown away, and that there was a bullet wound on Rikta’s leg. RAB officers claimed they returned fire when they entered a home and Malitha and Rikta were killed during the exchange. A RAB officer confirmed Rikta was not wanted on any charges. The Government did not investigate the case.

On June 28, according to investigations by local human rights organizations, police officers from Mirpur Police Station killed Anwar Hossain in a brick field in Housepur. On June 26, two police officers and eight to 10 men in civilian clothing arrested Hossain. The Mirpur police stated he was killed in a shootout between police and “extremists” and refused to comment on his arrest. The doctor who performed the autopsy would not comment on the circumstances of the death, but a morgue assistant reportedly noted that there was one bullet wound on the left side of Hossain’s head and two in his chest, as well as signs that the victim had been blindfolded. The Government did not investigate the case.

The wife of Khabirul Islam, whom a naval contingent abused and killed in February 2007, filed a complaint against the naval personnel and challenged the post-mortem finding that her husband had committed suicide. According to human rights organizations, she abandoned the case due to intimidation from unknown parties and lack of funds.

The Government did not take any further action to investigate the March 2007 killing of Choilesh Ritchil by army personnel in Madhupur or the May 2007 killing of Mohammad Kamran Islam Moju by members of RAB 5 battalion.

There were no updates available concerning the March 2006 killing of Iman Ali by RAB members in Dhaka, nor the September 2006 killings of Abdul Hawladar and Mohammad Shamin in Khulna by RAB members.

There were fewer politically motivated killings than in previous years, largely due to the state of emergency that suspended most political activities. According to Odhikar, 50 deaths were suspected of being politically motivated.

According to Human Rights Watch (HRW), Odhikar, and local media reports, on July 15, officers from RAB 8 in Dhaka arbitrarily arrested and killed Moshikul Alam Sentu, an activist in the BNP’s student wing, the Jatiyatabadi Chhatra Dal (JCD). The RAB claimed Sentu was accused in several murder cases and had an illegal cache of weapons. Sentu’s family contended the charges were politically motivated and he had been acquitted in all of the cases. Sentu’s family stated they had been warned in advance that he would be killed “in a crossfire” and had paid a bribe of 300,000 taka (\$4,500) to Major AKM Mamunur Rashid Mamun to prevent his death. Shortly thereafter, Mamun reportedly assured her that her son would not be mistreated. Early the following day, however, eyewitnesses observed RAB officers

dumping Sentu's body in a paddy field in Barisal city, south of Dhaka. The body had two bullet wounds in the chest and another in the leg. Sentu's neck was severely bruised and possibly broken, as was his left hand, indicating possible torture. RAB 8 later stated it had taken Sentu to Barisal to recover a cache of hidden arms and he was killed in "crossfire" when the RAB team encountered fire from Sentu's associates. HRW issued a statement urging the Government to prosecute the officials responsible for killing Sentu and others "to the full extent of the law." The Government did not conduct any further investigations.

On July 27, according to HRW and Odhikar, police in Naogaon killed Dr. Mizanur Rahman Tutu (also known as Tutul), a physician and leader of the PBCP-ML. Authorities claimed there were many cases against him, including involvement in several killings of police officers and political figures, though the local police superintendent stated there were no charges filed. The autopsy indicated that Tutu had been shot three times, that he had been tied up, and that there were signs of excessive blood loss, suggesting abuse prior to death. Odhikar condemned Tutu's killing, stating the police had conflated his identity with a criminal named Tutul who had died several years earlier and had targeted Tutul because of his political affiliation.

There were no updates in the investigation of the 2007 killing of Azibor Rahman or the 2006 killing of Aftab Ahmad.

Media reported that Home Affairs Adviser Gen. M.A. Matin ordered police to re-investigate the 2005 death of Awami League parliamentarian and former Finance Minister Shah AMS Kibria. In March 2007 the Caretaker Government stated that it would open a new investigation, but that effort stalled due to alleged lack of personnel. Matin rejected that argument and ordered the reinvestigation, which was ongoing at year's end.

Authorities sentenced three individuals from the banned Islamist organization Harkatul Jihad al Islami (HuJi) to death and granted two others life sentences in the August 2007 trials of the group charged with organizing a grenade attack at the Hazrat Shahjalal Shrine in Sylhet in 2004.

Killings by political parties continued, although these were fewer in number than in previous years.

According to media reports, on February 12, political rivals killed Md. Farman Ali of the Purbo Banglar Communist Party in Pabna.

Also according to media and NGO sources, on February 26, gunfire between Awami League and BNP activists at Moheshkhali killed one individual.

Violence along the border with India remained a problem, although the number of incidents declined. According to human rights organizations, the Indian Border Security Force (BSF) killed 59 citizens.

b. Disappearance.—Disappearances and kidnappings remained problems during the year. According to Bangladesh Society for the Enforcement of Human Rights (BSEHR), 504 persons were kidnapped during the year. An indeterminate number of these kidnappings were politically motivated.

According to press reports, on September 26, pirates kidnapped more than 40 fishermen from the Kachikhali coast of Pathorghata. The victims were taken to an undisclosed location in the Sundarbans mangrove forest in southwest Bangladesh and held for a ransom of 1,000,000 taka (\$14,700). The coast guard made several attempts to rescue the kidnapping victims but was unsuccessful.

According to press reports and the individual's relatives, on November 26, RAB officers arrested and allegedly disappeared Jubo League leader Liakat Hossain. Hossain had been arrested in 2003 after being labeled as one of the country's "23 top criminals," but received bail from the High Court on September 4. On December 2, the High Court instructed the Government to notify it within 72 hours of his whereabouts. The Government did not take further action.

The Government did not take steps to investigate the February 2007 kidnapping of Abdul Aziz, the June 2007 kidnapping of two Danish Aid Agency employees, or the May 2006 disappearance of Tera Mia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits torture and cruel, inhuman, or degrading punishment, security forces, including the RAB, military, and police, frequently employed severe physical and psychological abuse during arrests and interrogations. According to human rights organizations, the use of such techniques increased in 2007 after the interim government declared the state of emergency, but the number of incidents declined by 60 percent during the year. Abuse consisted of threats, beatings, and the use of electric shock. According to human rights organizations, security forces tortured 12 people to death. The Government rarely charged, convicted, or punished those responsible, and a climate of impunity allowed such abuses by the RAB, police, and military to continue.

For example, on March 7, according to Odhikar, police arrested and tortured Abul Hossain Dahli in Botiyaghata Police Station. Odhikar reported that a few hours after Dahli's arrest, police declared he had committed suicide. Relatives who claimed the body questioned apparent bruises, burn marks, the lack of markings on the neck consistent with hanging, and the layout of the cell, which would have made hanging difficult. Relatives also claimed the family had been offered 15,000 taka (\$220) not to file a case. On March 20, Dahli's family filed a case and the head of the Government committee investigating the incident agreed that police negligence was undeniable. At year's end, however, the Government had not investigated the case further.

On March 18, according to Odhikar and witness accounts, officers from RAB 8 arrested and tortured Md. Afzal Khan in Sharlatpur District. According to witness accounts, RAB officers arrested Khan at the Mahmudpur Bazaar, where they interrogated him about an alleged illegal arms cache and beat him with sticks, rifles, stones, and hammers. That night, police admitted Khan to Shariatpur Sadar Hospital, where he died the following day. According to Afzal's father, Afzal had a broken neck, wounds on his face and skull, an inflated stomach allegedly due to trampling, and cut veins in his legs.

On April 13, according to Odhikar, police arrested Fakir Chan in Maulvibazar on charges of mugging. Chan's wife claimed that she did not have access to her husband while he was in custody and that a police officer told her that her husband would be released if she paid a 50,000 taka (\$735) bribe. On April 19, police alleged that Chan fell ill and died while in custody. According to a doctor at the Narayanganj Hospital, several plainclothes policemen dropped off Chan's body at the emergency division of the hospital and refused to answer questions about his identity. The doctor conducting the autopsy stated that he saw marks on Chan's wrists and other marks on the body suggesting Chan had been hanged by his wrists and beaten. Authorities removed Superintendent Saiful Islam, Assistant Superintendent of Police Jannatul Hasan, Mamunur Rashid, and Babul Akhtar from their duty stations. No additional legal action had been taken at year's end.

According to human rights organizations, there were at least five recorded incidents of rape and sexual abuse by law enforcement personnel.

For example, on July 2, according to Odhikar, RAB member Abdul Gaffur raped a 14-year-old girl in Sonargaon, Narayanganj. Local police arrested Gaffur, who was awaiting trial at year's end. On July 30, Police Sub-Inspector Rezaul Karim allegedly raped a young girl who had been collecting trash at a railway station in Kamlapur, Dhaka. The Government did not investigate the case.

Authorities did not investigate the January 2007 torture of Shahidul Islam, director of the NGO Uttaran, or the June 2007 torture cases of Mohammad Jamal Uddin and Mohammad Kajol.

There were no developments concerning the May 2007 rape case against Sub-Inspector Nuruzzaman of Karimganj, nor the August 2007 rape case against Sub-Inspector Abdul Mannan of Mirpur.

The 2006 case of Kishore Kumar Das remained pending at year's end.

There were no developments in the 2006 death of Tajul Islam in Kurigram, and none in the case of AL official Asraf Hossain Khan, who was detained and allegedly beaten and threatened with crossfire by the RAB in Munshigonj in 2006.

Vigilante killings increased during the year. Newspapers reported 163 vigilante killings, although local human rights organizations said the reported cases were only a fraction of the total number of actual incidents. In 2007 there were 108 reported vigilante killings.

According to press reports, on March 3, a mob killed a mugger, Babul, 35, and injured another when a gang of four tried to steal 100,000 taka (\$1,470) from a businessman at Nasirabad.

On March 8, at Kaliakoir, near Dhaka, a mob beat two robbers, Kabir Mia, 30, and Anwar Hossain, 35, to death, and injured another. According to the police, the individuals had taken part in an attempted armed robbery of a local home at 3:00 a.m., and neighbors apprehended them.

Prison and Detention Center Conditions.—The prison system remained abysmal due to overcrowding, inadequate facilities, and the lack of proper sanitation. Local human rights observers considered these conditions to be contributing factors to custodial deaths. According to international and local human rights organizations and eyewitness accounts, after the declaration of a state of emergency, security forces including the military held detainees in sub-standard ad hoc Joint Forces and military camps of the military intelligence agency, the Directorate General-Forces Intelligence (DGFI).

According to Odhikar, 66 persons died in prison and 50 persons died in the custody of police and other security forces during the year. Of the total number who died, three died due to lack of proper care and 46 died of unnatural causes.

According to the Government, the existing prison population as of December 31 was 75,480, or more than 278 percent of its official capacity of 27,146. Of the entire prison population, approximately one-third of the detainees had been convicted; the rest were either awaiting trial or detained for investigation. Due to the severe backlog of cases, individuals awaiting trial had often spent more time in jail than if they had been convicted and served a maximum sentence. In most cases, prisoners slept in shifts because of the overcrowding and did not have adequate bathroom facilities.

In 2007 the inspector general of prisons (IGP) took several steps to improve the prison system, including updating the jail code, reducing corruption and drug trafficking in prisons, limiting the use of full shackles on prisoners for reasons other than discipline, improving the quality of food, creating more prisoner vocational training opportunities and literacy classes, and improving the morale of prison staff. The Government also opened its first jail for women in Gazipur. NGOs argued that these reforms were helpful, but that they were not adequately maintained and that the pace of reform during the year was slower than in previous years. These reforms included the construction of three new jails exclusively for women, the launch of several small-scale training programs for prisoners to assemble garments, and physical improvements such as the addition of television sets and fans. During the year the IGP tried to address prisoner morale by allowing low-level offenders to meet family and friends inside jail cells without any physical barriers between them.

The law required juveniles to be detained separately from adults; in practice, many juveniles were incarcerated with adults. Media reports stated that approximately 380 children were imprisoned despite laws and court decisions prohibiting the imprisonment of minors. In some places, the figure was much higher, allegedly because there was no proper means of recording age in the criminal justice system. According to the International Center for Prison Studies, minors make up 0.4 percent of the prison population.

Although the law prohibits women in “safe custody”—victims of rape, trafficking, and domestic violence—from being housed with criminals, in practice no separate facilities existed.

In general the Government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross. government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly but did not release their findings. District judges occasionally visited prisons but rarely disclosed their findings.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, the law permits authorities to arrest and detain persons suspected of criminal activity without an order from a magistrate or a warrant. Following the declaration of a state of emergency in 2007, the Government promulgated the Emergency Power Rules that gave authorities further authority to detain citizens without filing formal charges or specific complaints. The Government relaxed the state of emergency in August and early December before fully lifting it on December 17.

Role of the Police and Security Apparatus.—Police are organized nationally under the Ministry of Home Affairs (MOHA) and have a mandate to maintain internal security and law and order. Under recent governments, police were generally ineffective and reluctant to investigate persons affiliated with the ruling party. After the declaration of a state of emergency, the Government formed the Joint Forces, composed of police, the RAB, the military, and other security agencies, and gave the special new teams responsibility for enforcing the state of emergency. The DGFI, a military intelligence agency, assumed the lead in enforcing the state of emergency by investigating corruption charges and interrogating suspects.

The RAB received human rights training through the UN Development Program; the UK government; and a local NGO, BSEHR. Although the RAB continued to commit serious human rights violations, the number of incidents involving the RAB dropped from the previous year.

The Government took steps to address widespread police corruption and a severe lack of training and discipline. The Inspector General of Police continued to implement a new strategy, partially funded by international donors, for training police, addressing corruption, and creating a more responsive police force.

There were no developments concerning the June 2007 beating case of Dhaka businessman Mahbub Alam Liton by army soldiers.

There were no developments in the October 2006 National Shooting Federation Complex incident, in which police entered the Dhaka club and beat 25 members, including Asif Hossain Khan.

There were no developments in the August 2006 incident in Phulbari, Dinajpur district, in which police and members of the BDR opened fire on a crowd, killing five persons and injuring 100.

Plaintiffs rarely accused police in criminal cases due to lengthy trial procedures and the fear of retribution. Such reluctance to confront police continued a climate of impunity.

Arrest and Detention.—The law provides for arrest without the use of warrants in certain cases. Section 54 of the Criminal Procedure Code and Section 86 of the Dhaka Metropolitan Police (DMP) Ordinance authorize detention of persons on suspicion of criminal activity without an order from a magistrate or a warrant, and the Government used such provisions regularly. The law also limits gatherings of more than four persons. The number of preventive and arbitrary detentions declined from the previous year, although the overall number of arrests remained much higher than it was prior to the state of emergency.

Human rights groups reported that the Government arrested more than 60,518 persons in special arrest drives during the year, including more than 30,000 in the month of June alone. This number decreased by approximately 80 percent from the previous year, although accurate figures were difficult to obtain because the Government stopped its practice of releasing arrest figures. In addition, Ain O-Shalish Kendra (ASK), a domestic human rights organization, estimated that more than 2,000 routine arrests were made every day. The majority of those arrested were released within one or two days. Although many were released, figures from the Daily Star newspaper indicated that more than 150 former politicians, government officials, and business leaders were held on suspicion of corruption, extortion, or other abuses of power under the anticorruption drive, and more than 78 persons were arrested during the year. There were more than 222 individuals on the corruption suspects list. More than 97 individuals were convicted on corruption charges through October.

Between May 28 and June 15, authorities arrested approximately 32,000 persons reportedly to improve the law and order situation. Political parties and NGOs criticized the arrests as politically motivated and claimed that as many as 350 grassroots political activists and local officials were arrested along with extremists and criminals. According to government officials, many of those detained were arrested based on existing warrants and only 191 individuals were arrested under the EPR. Authorities also claimed that fewer than 100 of the detained individuals had ties to political parties. In most cases, authorities released the individuals shortly after their arrest.

According to local human rights organizations, Joint Forces, led by the military, continued to hold suspects illegally at army camps, DGFI headquarters, and other unofficial places of detention, where they interrogated, often abused, and in some cases forced suspects to sign confessions before releasing or presenting them to a magistrate. In some cases the authorities released detainees after they agreed to file cases against other high-profile suspects.

There were no new developments regarding the January 2007 arbitrary arrest and detention of Giasuddin Al-Mamun by Joint Forces.

Under the Special Powers Act, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act that could threaten national security; however, authorities held detainees for longer periods. The magistrate must inform the detainee of the grounds of detention, and an advisory board is required to examine the detainee's case after four months. Detainees had the right to appeal. Many detainees taken into custody during the anticorruption drive were held under this act, and the Government sought and received numerous detention extensions from advisory boards consisting of two judges and a government official.

There was a functioning bail system in the regular courts, although persons prosecuted under the EPR were ineligible for bail from January through December 17. Family members of persons arrested under the EPR frequently were detained without bail on suspicion of abetting corruption. In April the Supreme Court's Appellate Division curtailed the authority of the High Court to hear bail petitions under the EPR, denying the court an opportunity to grant bail under these conditions. Human rights groups and some detainees' families alleged that in cases in which the High Court ordered high-profile detainees released on bail, the military pressured trial judges to delay the release of the detainee to give the Government time to file new charges against the detainee, starting a new appeals process and preventing release.

Most criminal detainees charged with crimes were granted access to attorneys; however, detainees arrested under the Special Powers Act were not entitled to representation. The Government rarely provided detainees with state-funded defense attorneys, and there were few legal aid programs to offer such detainees financial assistance. Many persons arrested on charges of graft under the Special Powers Act typically would not have qualified for legal aid because of their relatively high incomes. The Government generally permitted lawyers to meet with their clients only after formal charges were filed in the courts, which in some cases occurred several weeks or months after the initial arrest. Arbitrary arrests were common, and the Government held persons in detention without specific charges, often to collect information about other suspects.

It remained difficult to estimate the total number of persons detained for political reasons. Many high-level officials detained during the state of emergency were also widely suspected of corruption and had credible charges of corruption pending against them at year's end. Several high profile figures, including some members of the leadership of the BNP and AL, however, were held for months without any charges filed against them. International and domestic human rights organizations accused the Government of selective prosecution. For example, according to human rights organizations, several high-profile figures believed to be corrupt were omitted from lists of corruption suspects, allegedly because they agreed to ally themselves with the caretaker government and the military.

In cases not affiliated with the state of emergency or anticorruption drive, arbitrary and lengthy pretrial detention remained a problem. The total number of pending civil and criminal cases was more than 1.8 million. Many persons who were arrested served longer in pretrial detention than they would have if given the maximum sentence for their alleged crimes. According to the International Centre for Prison Studies, nearly 70 percent of prison inmates remained in pretrial detention at year's end.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice a longstanding temporary provision of the constitution placed the executive in charge of the lower courts, judicial appointments, and compensation for judicial officials. In November 2007 the caretaker government implemented legislation the previous government had developed separating the judiciary from the executive.

By April the Appellate Division of the Supreme Court stopped its practice of overturning politically charged decisions by the High Court Division of the Supreme Court if those rulings went against the Government. Prior to the end of March, the Appellate Division overturned several decisions granting bail to high-level corruption suspects. The Appellate Division stopped this practice after the appointment of a new Chief Justice of the Appellate Division of the Supreme Court. High Court judges granted bail to thousands of political figures and common criminals from April through year's end. Corruption, judicial inefficiency, lack of resources, and a large case backlog remained serious problems.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. After the separation of the judiciary from the executive, the Government appointed judicial magistrates to replace the executive magistrates who had presided over the lower courts. The Supreme Court is divided into two divisions, the High Court and the Appellate Division. The High Court Division hears original cases mostly dealing with constitutional issues, and reviews cases from the lower courts. The Appellate Division hears appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Division are binding on all other courts.

The EPR authorized the Government to create special speedy anticorruption courts to adjudicate cases prosecuted by the Anticorruption Commission (ACC). Sentences from these tribunals could also be appealed to the High Court.

In 2005 a High Court panel rendered unconstitutional an amendment to the constitution that legitimized martial law in the 1980s. The prime minister's office arranged for a stay, still in effect at year's end, of the ruling because of its ramifications for the legacy of former President Ziaur Rahman, the late husband of the then prime minister.

Trial Procedures.—The law provides accused persons with the right to be represented by counsel, to review accusatory material, to call or question witnesses, and to appeal verdicts. Cases are decided by judges rather than juries, and trials are public. In practice a public defender is rarely provided to defendants. Defendants are presumed innocent, have the right to appeal, the right to be present and to see the Government's evidence.

Corruption and a substantial backlog of cases hindered the court system, and trials were typically marked by extended continuances, effectively preventing many from obtaining a fair trial due to witness tampering, victim intimidation, and missing evidence. Human rights observers contended that magistrates, attorneys, and court officials demanded bribes from defendants in a majority of the cases filed under the Special Powers Act.

Alternative dispute resolution for civil cases allows citizens to present their cases for mediation. According to government sources, wider use of mediation in civil cases quickened the administration of justice, but there was no assessment of its fairness or impartiality. The Muslim Family Ordinance codifies traditional Islamic law concerning inheritance, marriage, and divorce for registered marriages for members of the Muslim community. There were similar sets of laws in place for the Hindu and Christian communities.

Political Prisoners and Detainees.—The Government detained more than 150 high-ranking politicians, businessmen, and officials as part of its anticorruption campaign. The courts released most of these persons during the year. The Government held many individuals for several months under the Special Powers Act without filing charges against them.

In 2007 the Government arrested on corruption charges both former prime ministers Sheikh Hasina and Khaleda Zia. In June the caretaker government released Sheikh Hasina on parole under executive order of the Government. In September the Supreme Court freed Khaleda Zia on bail.

By year's end the ACC and the public prosecutor prosecuted 228 cases against high-ranking political officials, ranging from extortion and money laundering to murder. Although the Government claimed these were legitimate charges, some were considered politically motivated.

In connection with this, the 2007 cases against Law Minister Moudud Ahmed remained pending at year's end, although on September 9, the High Court released him on bail. Former Communications Minister Anwar Hossain Manju was convicted and sentenced in absentia to 13 years in jail and fined 100,000 taka (\$14,500) after he left the country.

The trial against journalist Salah Uddin Shoaib Choudhury, detained for his attempted 2003 travel to Israel, began in June. While the case remained ongoing, the Government allowed Choudhury to travel abroad.

Civil Judicial Procedures and Remedies.—The Government did not interfere with civil judicial procedures.

Property Restitution.—During the year the Government did not take any measures to implement the 2001 Vested Property Return Act providing for property restitution to persons, mostly Hindus, whose property the Government seized after the 1965 India-Pakistan war.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allows intelligence and law enforcement agencies to monitor private communications with the permission of the chief executive of the MOHA. The ordinance also gives the Government, in the interest of national security, the authority to prevent telephone operators from delivering messages. The EPR strengthened the ability of the Government to monitor communications, including telephones, cell phones, text messages and e-mail. In case of national emergency, the Government can revoke any permit to provide communications services without providing compensation to the holder of the license, and in 2007 the Government ordered cell phone providers to shut down service intermittently. According to media reports, the Government established a national monitoring center made up of representatives from law enforcement and intelligence agencies to monitor and coordinate phone taps during the year.

Even in cases not affiliated with the Special Powers Act, police rarely obtained warrants, and officers violating these procedures were not punished. Human rights organizations indicated that the Special Branch of the police, National Security Intelligence, and DGFI employed informers to conduct surveillance and report on citizens perceived to be critical of the Government.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and press; however, the Government used the EPR to curtail these rights. In September the Government approved the Right to Information Ordinance allowing journalists and the public greater access to information.

Certain individuals were not able to criticize the Government publicly without fear of reprisal. Although public criticism of the Government was common, journalists regularly practiced self-censorship. The EPR had suspended indoor and outdoor

political gatherings, allowed the Government to take legal action against critical editors and journalists, and allowed authorities to compel the broadcast or publication of stories supporting the Government, although in practice these rules were not always strictly enforced. On November 3, the Government rescinded the ban on political rallies and gatherings. The Government also revoked the clause of the EPR preventing the media from publishing or broadcasting reports on public meetings or rallies and banning so-called provocative stories, editorials, and shows. The Government lifted these restrictions on December 17.

There were hundreds of daily and weekly independent publications. Newspapers that were critical of the Government, particularly of the military, came under strong pressure throughout the year. In addition to one official government-owned news service, there are two private news services.

Newspaper ownership and content were sometimes subject to direct restriction by the military's Inter-Service Public Relations office and DGFI. Journalists reported being cautioned by DGFI against criticizing the Government or the military. In May editors from several media outlets expressed concern over the increased pressure on media freedom. According to Nurul Kabir, editor of the English language newspaper *The New Age*, an intelligence agency of the armed forces began giving instructions to editors of newspapers and television channels mandating that certain news should be published or broadcast and other news should not.

The Government owned one radio and one television station.

There were 10 private satellite television stations and three private radio stations in operation. There were two foreign-based and licensed satellite television stations that maintained domestic news operations. Cable operators generally functioned without government interference; however, cable operators were forced to drop several international channels, allegedly for nonpayment of taxes. The Government required all private stations to broadcast, without charge, selected government news programs and speeches by the chief advisor and the President.

The 24-hour all news television station, CSB, which the Government shut down in September 2007 (purportedly for not having a proper license), remained closed at year's end.

Attacks on journalists continued to be a problem. There was an increase in the number of journalists who were harassed, arrested, and assaulted by security personnel. According to Odhikar, at least 38 journalists were injured, four were arrested, 25 were assaulted, 30 were threatened, and six had cases filed against them. According to some journalists and some human rights NGOs, journalists engaged in self-censorship.

Examples of abuse against journalists included:

On March 28, according to the Committee to Protect Journalists, plainclothes police in Durgapur arrested and assaulted Rabiul Islam, reporter for the *Daily Sunshine*, a Rajshahi-based newspaper, after he wrote stories implicating the Durgapur police in alleged corruption cases. The Durgapur police held Rabiul for 12 hours, tortured him, and extracted a confession from him before finally releasing him.

On May 24, according to Odhikar and *Daily Star* reports, prison guards beat *Daily Star* correspondent Mirza Shakil because he investigated allegations of corruption and harassment at a local prison. During a visit to the prison, Shakil took photos of guards trying to force visitors to pay bribes; shortly afterwards 12 guards attacked him and threw him out of the jail. Local journalists rushed to his aid and took him to a local hospital, where he was admitted with severe injuries to the chest, back, and neck.

In May police tortured Iasinur Rahman, breaking his hands and his legs, because he had published a story accusing local police of sexual harassment and bribery. The Government did not take steps to hold police officers accountable.

There were no developments regarding the August 2007 attack of journalists at Dhaka University; the January 2007 attack of Professor Anisur Rahman; the 2006 torture of *Focus Bangla* journalist Shafiqul Islam; or the 2006 shooting death of S. Changma Sattyajit, President of the Panchhari Press Club and correspondent of *Shamakol*.

According to journalists, editors, and other media personnel, intimidation and pressure on the media continued under the state of emergency. DGFI officials monitored the various media outlets and cautioned them about airing material deemed offensive to the Government or military. Numerous editors and journalists in Dhaka reported being summoned to DGFI headquarters for questioning, and encouragement to file positive stories about the Government and military.

In January according to Odhikar and Amnesty International, the Home ministry at the urging of RAB instructed police to arrest Jahangir Alam Akash, a prominent local journalist and human rights activist, under the EPR on extortion charges, following his reports of extrajudicial killings by RAB units in Rajshahi. According to

Akash, authorities tortured him during his month in jail before releasing him on bail in November.

Also in July the editor of *Jai Jai Din* was fired because he published a cartoon critical of Army Chief General Moeen Uddin Ahmed.

Tasneem Khalil, former *Daily Star* journalist and researcher for HRW, continued to live in exile in Sweden following his May 2007 interrogation and torture by Joint Forces.

The Government subjected foreign publications and films to review and censorship. A government-run film censor board reviewed local and foreign films and had the authority to censor or ban films on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. Video rental libraries and DVD shops stocked a wide variety of films, and government efforts to enforce censorship on rentals were sporadic and ineffective.

The Government exercised censorship in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, or objectionable comments regarding national leaders.

There were no developments regarding the September 2007 banning of *Alpin*, the satirical weekly magazine of the newspaper *Prothom Alo*, due to alleged blasphemy against Islam.

The Government used defamation charges to curb freedom of speech, although the number of cases decreased during the year.

There were no developments in the defamation lawsuit filed by Mah Selim against *Juganthor* newspaper.

Internet Freedom.—Although individuals and groups generally could engage in the peaceful expression of views via the Internet, local human rights organizations reported continued government monitoring of Internet communications. Reporters without Borders claimed police monitored journalists' e-mail. In addition, journalists and political figures detained by the Joint Forces reported they were forced to hand over their e-mail logons and passwords.

Academic Freedom and Cultural Events.—The Government did not limit academic freedom or cultural events; however, authorities discouraged research on sensitive religious and political topics.

b. Freedom of Peaceful Assembly and Association.—The EPR restricted freedom of assembly and freedom of association and prohibited indoor and outdoor political activities. On May 12, the Government relaxed some of the bans on indoor political activities throughout the country but limited the number of people who could attend and required parties to seek permission from the authorities to hold meetings. The Government also allowed meetings and processions with permission from authorities for two weeks in 11 cities prior to the August 4 municipal elections in those cities. In September the Government eased bans on indoor political gatherings in Dhaka but with limits on the number of people who could attend and a requirement for parties to seek permission from the home ministry to hold meetings. On November 3, the Government eased the ban further by permitting political gatherings and rallies ahead of the December parliamentary elections and fully lifted the state of emergency on December 17.

The Government implemented the ban unevenly. For example, in April and May 2007 Ferdous Ahmed Quareshi publicly had meetings in support of a new progovernment party, the Progressive Democratic Party (PDP). Despite considerable press coverage of these events and media editorials questioning their legality under the state of emergency, the Government did nothing to stop them. On September 11, the Government released detained BNP chairperson Khaleda Zia on bail and allowed her to reopen the BNP central office.

Freedom of Assembly.—During most of the year the EPR banned public demonstrations and political gatherings and the Government enforced the ban. There were, however, instances of street demonstrations by factory workers and political activists without prior notice.

On August 21, Dhaka Metropolitan Police (DMP) banned a planned march by the BNP-led four-party coalition. The coalition had planned to march to the Chief Adviser's office in Dhaka to demand the release of BNP chairperson and former Prime Minister Khaleda Zia and her elder son Tarique Rahman. When coalition supporters gathered on the city's Manik Miah Avenue to join the march, police attempted to disperse the crowd using batons. On August 27, the coalition announced it would form human chains throughout the country to protest the police action. Police broke up the human chains at different points in Dhaka and other cities, occasionally clashing with the participants.

Freedom of Association.—The law provides for the right of every citizen to form associations, subject to “reasonable restrictions” in the interest of morality or public order, and the Government generally respected this right. Individuals were free to join private groups. On September 7, the Government relaxed the ban imposed on trade union activities under the state of emergency in January 2007 and allowed labor rights organizations to conduct activities on a very limited scale to allow unions to carry out financial and administrative tasks. For example, the new rules permitted gatherings of no more than 500 and stipulated that such gatherings must be held indoors and focused solely on labor issues. Neither the ban nor its subsequent relaxation affected the Export Processing Zone (EPZ) which was covered under separate legislation, permitting only “workers associations.” During the year the number of workers associations increased. The full lifting of the state of emergency on December 17 enabled trade unions to resume their normal activities.

c. Freedom of Religion.—The constitution establishes Islam as the state religion and also stipulates the right, subject to law, public order, and morality, to practice the religion of one’s choice. The Government generally respected this right in practice. Although the Government was secular, religion shaped the platforms of certain political parties. Discrimination against members of religious minorities existed at both the Governmental and societal levels, and religious minorities were disadvantaged in practice in such areas as access to government jobs, political office, and justice.

Shari’a (Islamic law) was not implemented formally and not imposed on non-Muslims, but it played an influential role in civil matters pertaining to the Muslim community. The Muslim Family Ordinance codifies issues such as inheritance, marriage, and divorce for registered marriages of members of the Muslim community. A Muslim man may marry as many as four wives; however, a Muslim man must get his first wife’s signed permission before taking an additional wife. Society strongly discouraged polygamy and it was rarely practiced.

Family laws concerning marriage, divorce, and adoption differed slightly depending on the religion of the persons involved. Each religion had its set of family laws. Under Hindu law, unlimited polygamy is permitted, and although there is no provision for divorce or legal separation, Hindu widows may legally remarry. There were no legal restrictions on marriage between members of different faiths.

Government protection of Ahmadiyyas continued to improve, although social discrimination continued. The High Court continued to stay the Government ban on publishing Ahmadiyya literature, effectively allowing Ahmadiyyas to publish.

As in previous years, the Government failed to prepare a list of property that the Government expropriated from Hindus following the 1965 India-Pakistan War.

The Government allowed foreign missionaries to work in the country, but their right to proselytize was not explicitly protected by the law. Some missionaries faced problems in obtaining visas or renewing visas. Some foreign missionaries reported that internal security forces closely monitored their activities. The Government allowed various religions to establish places of worship, train clergy, travel for religious purposes, and maintain links with coreligionists abroad. The law permitted citizens to proselytize.

Societal Abuses and Discrimination.—Discrimination against Ahmadiyyas, Hindus, and Christians occurred during the year. However, there were no demonstrations by anti-Ahmadiyya groups during the year.

On March 15 and March 21, the Special Branch of police in Brahmanbaria prevented groups of Ahmadiyyas from holding a religious convention. Due to intervention by officials at senior levels of the home ministry, both conventions were held.

There were reports of attacks on members of minority communities, although many of these reports could not be independently verified and motives for such attacks—criminal, political, or religious—could not be ascertained.

On April 2, according to ASK, RAB officers and police severely beat Biman Chandra Bosak, vice President of Joypurhat District Bar Association, at his village. According to ASK, the attack on Bosak occurred after he filed a case against a Muslim neighbor who tried to seize land dedicated to a Hindu deity.

On April 12, according to Christian Life Bangladesh (CLB), members of an Islamist group attacked two Christian men at Rangunia as they were showing a film to build community awareness about arsenic pollution, child marriage, and other social problems.

In contrast to previous years, there were no reports of the military attempting to evict 120 Hindu families from land in the Mirpur area of Dhaka abutting the military cantonment. The eviction, based on a 1961 land purchase agreement by the military, was challenged legally, and the case was pending at year’s end.

In April 2007 leaders of the Catholic Khasia community in Moulvibazar complained to the local government about harassment from Forestry Department officials who oversee the Monchhara Forest where many Khasia live. They stated several forestry officials filed false cases against their community and the head of the local Catholic mission to intimidate them. In February a meeting among Khasia community leaders, Forest Department officials, and Kulaura sub-district officials resulted in a government promise that the Khasia would not be harassed if they refrained from occupying Forest Department land. The Forest Department subsequently filed new cases against some Khasia alleging that they had occupied government land. Local forestry officials also harassed the Garo community in Madhupur. In 2007 police arrested several forestry department officials allegedly involved in corruption. Although it decreased from previous years, harassment by forestry department officials persisted.

Religious minorities were disadvantaged in seeking government jobs and political office. Selection boards for government services often lacked minority group representation.

There was no Jewish community in the country and there were no reports of anti-Semitic acts against locals, but some newspapers occasionally printed anti-Semitic articles and commentary.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, and the Government respected these rights in practice with specific exceptions. The EPR gave the Government authority to curb freedom of movement. The Government prevented persons suspected of corruption from leaving the country. Law enforcement personnel prevented numerous persons from departing the country via Dhaka's international airport because they had been placed on lists of corruption suspects.

The law does not provide for exile, which was not practiced. The country's passports were invalid for travel to Israel.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government continued to deny asylum to Rohingyas newly arriving from Burma. The Government categorized these refugees as illegal economic migrants and turned back as many persons as possible at the border, although to a great extent the border was porous, and attempts to stem the tide of migration proved unsuccessful. According to the UN High Commissioner for Refugees (UNHCR), some individuals the Government returned were likely entitled to refugee status. Some unregistered persons in UNHCR camps returned illegally after their official repatriation to Burma, sharing food and lodging with relatives who received rations as registered members of the camps. On a number of occasions, local police picked up unregistered persons outside the camps and imprisoned them under the Foreigners Act. There were 88 Rohingya refugees in local prisons in the Cox's Bazaar area at year's end. Of these persons, four were sentenced and 84 remained detained. A total of 385 refugees remained on bail at the end of the year. According to UNHCR, this figure may be too low given the number of unregistered Rohingyas and those in other jails that have not reported their detention.

Working with UNHCR, the Government provided temporary protection to approximately 28,000 registered Rohingya refugees at two official refugee camps and to individual asylum seekers whom UNHCR interviewed and recognized as refugees on a case-by-case basis. According to international aid organizations active in the area, there were 200,000 to 500,000 Rohingyas not officially recognized as refugees living among the local population in the surrounding area of Teknaf and Cox's Bazaar, including approximately 10,000 at an unofficial site. There were no repatriations of Rohingyas.

Working with UNHCR, the Government continued to improve conditions in the refugee camps following findings in recent years that sanitation, nutrition, and shelter conditions had fallen below minimum international standards. The Government permitted the UNHCR to build replacements for shelters and latrines and permitted more NGOs to work in the camps on skills training, education, and health.

According to UNHCR, there were still cases of abuse against refugees, including rape, assault, domestic abuse, deprivation of food, arbitrary detention, and docu-

mentation problems. However, there were fewer such incidents reported during the year.

As in previous years, the Government continued to ignore UNHCR requests to allow Rohingya refugees who were unable to return to Burma to work locally, get medical care, or attend school. The Government insisted that all Rohingya refugees remain in camps until their return to Burma. The Government claimed Rohingyans were not allowed to possess money and that money in their possession could be confiscated. In practice, however, enforcement of these rules remained sporadic. For example, many refugees worked illegally as manual laborers or rickshaw pullers in the unregulated economy and small numbers of students studied with the assistance of private tutors and participated in countrywide school exams.

The Government repeatedly rejected a UNHCR proposal to grant refugees rights for temporary stay and freedom of movement under a self-reliance program.

Stateless Persons.—On May 18, the High Court ruled that Biharis living in the country were citizens. Approximately 160,000–200,000 non-Bengali Bihari Muslims who immigrated to the former East Pakistan during the 1947 partition and who supported Pakistan during the 1971 war continued to live in camps throughout the country. According to Refugees International, many of these persons lived in unsanitary conditions with little access to education and medical resources. Some Biharis declined citizenship in 1972, and a minority was awaiting repatriation to Pakistan, where the Government was reluctant to accept them. Many of the stranded Biharis born after 1971 assimilated into the mainstream Bengali-speaking environment.

In September 2007 the Election Commission (EC) announced it would permit Biharis who meet citizenship requirements to register to vote in the December 2008 elections. Approximately 80 percent of all adult Biharis, or 184,000, were subsequently registered.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage, albeit with significant instances of violence.

In January 2007 the head of state and head of the caretaker government, President Iajuddin Ahmed, declared a state of emergency and postponed elections in response to political violence and allegations of flaws in the preparation for national elections scheduled for January 22, 2007. With military support, he appointed Fakhruddin Ahmed, a former central bank governor, to head a new caretaker government. The caretaker appointed new election commissioners, whose mandate was to initiate electoral reform and prepare a new, unbiased voter registry. The EC started registration of approximately 81 million voters with photographs in June 2007 and completed the field level work by July 9.

In a May 22 ruling, a High Court panel of the Supreme Court concluded that the EC violated the constitution because it had not held parliamentary elections within 90 days of dissolution of the parliament. The court, however, accepted the commission's decision to hold the election by December.

On August 19, the Government published the Representation of the People (Amendment) Ordinance 2008, which significantly changed the electoral law that had been in place since 1972, in an attempt to address corruption in politics. The major political parties considered some of the new provisions undemocratic, such as the abolition of students' and women's wings and foreign chapters of the parties. Under the amended ordinance, candidates must reveal information about their education, wealth, and criminal records when they file to run for parliament. Political parties must submit statements to the EC outlining expenditures and sources of funds.

The parliament has 345 members, 300 of whom are directly elected. The remaining 45 seats are reserved for women nominated by the political parties, based on their proportional representation within the 300-member group of directly elected members of parliament. Party leaders appoint candidates for elections, and there were allegations that wealthy candidates could purchase nominations from party leaders with campaign contributions or personal gifts.

Elections and Political Participation.—Khaleda Zia, leader of the BNP, stepped down as prime minister in 2006. She had become prime minister following parliamentary elections in 2001, which international and domestic observers deemed free and fair. The 2001 elections, supervised by a nonparty caretaker government, took place in a climate of sporadic violence and isolated irregularities. The BNP formed a four-party coalition government with the Jamaat-e-Islami, Bangladesh Jatiya Party, and the Islami Oikko Jote; however, the BNP and the opposition AL

dominated the political scene. At year's end Zia and former Prime Minister Sheikh Hasina Wazed of the AL had been released from prison but each was still facing corruption charges. In an address to the nation on September 20, Chief Adviser Fakhruddin Ahmed announced that the next national parliamentary elections would be held on December 18 and the upazila (sub-district) elections would be held on December 24 and 28. On November 2, the Chief Elections Commissioner amended the schedule by declaring that upazila elections would only be held on December 28. On December 3, in a compromise move, the EC agreed to hold national elections on December 29 and upazila elections on January 22, 2009.

Seven women were directly elected to the last parliament. Three women had the status of minister: Khaleda Zia, her sister (since deceased, she was the Minister for Women and Children's Affairs) and Sheikh Hasina. Sheikh Hasina, as the leader of the opposition party, enjoyed the status of a cabinet minister. Three of the 67 judges of the Supreme Court were women.

There was no provision for providing parliamentary seats for minorities. Members of minority groups constituted approximately 10.3 percent of the population but held fewer than 3 percent of parliamentary seats in the parliament.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Following the declaration of a state of emergency, the caretaker government and military took several significant steps to address government corruption. It appointed a retired chief of army staff (the country's senior defense official) as the new chairman of the ACC, formed a National Coordination Committee to help coordinate government and security forces' efforts regarding graft investigations, and set up several task forces to help the committee with its work.

During the year the courts released 158 of the approximately 200 high-profile graft suspects security forces detained in 2007. Among those detained were former prime ministers Sheikh Hasina and Khaleda Zia, both of whom were charged in bribery cases related to their government tenures. On June 11, the Government released Hasina by executive order to facilitate her medical treatment abroad. On September 11, the Supreme Court granted Zia bail.

Using the Special Powers Act that allows preventive detention, the Government detained prominent business leaders. Most of those persons were then tried under existing anticorruption legislation. Most high-profile cases were handled under the Emergency Power Rules and therefore initially denied suspects both the right to bail and the right to appeal their cases during the course of the trial. The Supreme Court, however, restored some of its bail jurisdiction through a ruling and exercised the authority to consider bail petitions.

The release of many of the corruption suspects drew criticism from some members of civil society who stated the Government was not serious about fighting corruption. Government leaders argued that the Government and the ACC would continue to pursue corruption cases despite release of some suspects on bail.

On September 1, the Government issued a gazette notification enforcing the establishment of the National Human Rights Commission Ordinance, and later formed a six-member selection committee headed by a Supreme Court judge to recommend names for appointment to the three-member commission. On November 19, the President named Justice Amirul Kabir Chowdhury, a retired former judge of the Supreme Court, as chairman of the commission. He also appointed two other members of the Commission.

On September 20, the Council of Advisers approved the Right to Information Ordinance. This replaced the Official Secrets Act which had helped to protect corrupt government officials.

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

A wide variety of domestic and international human rights groups generally operated independently and without government restriction, investigating and publishing their findings on human rights cases. Although human rights groups were often sharply critical of the Government, they also practiced self-censorship.

The Government required all NGOs, including religious organizations, to register with the Ministry of Social Welfare. After the Government declared the state of emergency, NGOs came under heightened scrutiny by the caretaker government and the military. Transparency International Bangladesh alleged that some local NGOs were guilty of corruption.

According to Odhikar, on November 3, a major from RAB 3 battalion called to request a meeting with the Odhikar director for unspecified reasons. Odhikar agreed

to meet the major at his office but he never arrived and provided no explanation for his absence afterward.

The NGO Affairs Bureau, the office within the Prime Minister's (and now Chief Adviser's) Office that approves NGO projects, delayed approval of NGO proposals related to elections and human rights. Odhikar's registration was still pending with the NGO Affairs Bureau at year's end.

At year's end Asudullah Al-Galib had been released on bail while awaiting trial for the 2005 attack on several offices of leading NGOs, including the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC). In 2005 authorities charged Al-Galib, the leader of Ahle Hadith, a local Islamic group, with bombing the Grameen and BRAC offices and targeting a series of cultural events and organizations. The case was still pending at year's end, although the police dropped charges in four out of 10 cases.

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

The law prohibits discrimination; however, the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women.—Laws specifically prohibit certain forms of discrimination against women, provide special procedures for persons accused of violence against women and children, call for harsher penalties, provide compensation to victims, and require action against investigating officers for negligence or willful failure of duty; however, enforcement of these laws was weak. In 2003 parliament passed an amendment to the current law, weakening provisions for dowry crimes and addressing the issue of suicide committed by female victims of acts of dishonor.

The law prohibits rape and physical spousal abuse but makes no specific provision for spousal rape. According to Odhikar, there were 454 reported incidents of rape during the year, including 202 against women and 252 against children. According to human rights monitors, the actual number of rape cases was higher because many rape victims did not report the incidents due to social stigma. Prosecution of rapists was not consistent.

Domestic violence was widespread, although violence against women was difficult to quantify. Research showed that as many as 50 percent of women experienced domestic violence at least once in their lives. The Bangladesh National Women Lawyers' Association (BNWLA) reported 622 incidents of domestic violence. Some of the reported violence against women was related to disputes over dowries. There was an increase in the number of dowry-related killings during the year. Odhikar reported 188 dowry-related killings although other NGOs place the figure much higher, at 300 to 500. Domestic violence is not criminalized.

There were no developments in the case of Tajul Islam, a businessman accused in 2006 of raping a 12-year-old girl who was working in his home. Islam fled the village when neighbors filed a case against him, and was at large at year's end.

Female prostitution was legal. Male prostitution was illegal, although local NGOs claimed it was common in the major cities. The authorities generally ignored the minimum age of 18, often circumvented by false statements of age, for legal female prostitution. The Government rarely prosecuted procurers of minors, and large numbers of underage girls in prostitution worked in brothels. Local NGOs estimated the total number of female prostitutes was as many as 100,000. The UN Children's Fund (UNICEF) estimated in 2004 that there were 10,000 underage girls used in commercial sexual exploitation in the country, but other estimates placed the figure as high as 29,000. Trafficking of women internally and internationally remained a problem.

NGOs such as BNWLA ran facilities to provide shelter to destitute persons and distressed women and children. According to BSEHR, persons in safe custody were no longer housed in prisons. Courts sent most of them to shelter homes. In a few cases they were sent to prison as a transit for short periods.

A High Court ruling in 2001 banned fatwas. Islamic tradition dictated that only those muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa. Despite these restrictions, village religious leaders sometimes made such a declaration in an individual case and called the declaration a fatwa. Such declarations could result in extrajudicial punishments, often against women for alleged moral transgressions.

Incidents of vigilantism against women-sometimes led by religious leaders by means of fatwas-occurred. According to ASK, 20 incidents of vigilante justice against women occurred during the year. The punishments included whipping, hilla or forced marriage, exclusion from the community, and other forms of physical and mental repression. Acid attacks remained a serious problem. Assaults threw acid in the faces of women and sometimes men, leaving victims disfigured and often

blind. The acid attacks often related to allegations of spousal infidelity. During the year, according to Odhikar, 133 persons were attacked with acid. Of these, 73 of the victims were women, 34 were men, and 26 were children.

According to press accounts documented by ASK and BSEHR, on September 11, Mahmuda, a mother of two children in South Kalikapur, was verbally divorced by her husband during a quarrel. After the couple reconciled, several local influential persons, including a madrassah teacher, issued an edict stating that Mahmuda was divorced from her husband and was required to marry another person and divorce him after physical consummation to be eligible to remarry her original husband. As Mahmuda refused to undergo this ritual known as "hilla," the local community shunned her and her family and threatened to drive them out of the village.

The law provides for speedier prosecutions of acid-throwing cases in special tribunals and generally does not allow bail. The Women and Child Repression Control Act (2000) also seeks to control the availability of acid and reduce acid violence directed toward women, but lack of awareness of the law and poor enforcement limited its effect. Although the special tribunals were not entirely effective, according to the Acid Survivors Foundation, tribunals convicted 444 persons for acid attacks since 2002, including 216 during the year.

Women remained in a subordinate position in society, and the Government did not act effectively to protect their basic rights. Employment opportunities increased at a greater rate for women than for men in the last decade, largely due to the growth of the export garment industry. Women constituted approximately 80 percent of garment factory workers. Pay was generally comparable for men and women.

On March 8, the head of the caretaker government announced a women's development policy that included reservation of approximately one-third of parliamentary seats for women, with direct election, and new laws to provide women with greater access to property. However, several Islamist groups argued that the policy sought to give men and women equal inheritance rights, contravening Shari'a and the existing Muslim Family Law. Although government advisers publicly refuted the claim, the Government formed a committee of Islamic scholars to review the policy. The committee, headed by the senior religious leader at the national mosque, recommended changes to the policy. Government officials reported, however, that elements of the women's development policy were implemented through other mechanisms, such as the poverty reduction policy.

Children.—The Government, with the assistance of local and foreign NGOs, worked to improve children's rights and welfare, enabling the country to make significant progress in improving children's health, nutrition, and education. Despite the progress, according to UNICEF slightly fewer than half of all children remained chronically malnourished.

Primary education was free and compulsory, but the implementation of compulsory education fell short, in part because parents kept children out of school to work for money or help with household chores. Government incentives to families sending children to school contributed significantly to the rise in primary school enrollments in recent years. Despite these efforts and contrary to established policies, public schools imposed fees that were burdensome to poor families and created a disincentive to attend school.

There were a few government hospitals designated exclusively for children. Boys and girls had equal access to medical care in government hospitals.

Although the legal age of marriage is 18 for girls and 21 for boys, underage marriage was a widespread problem. Reliable statistics concerning underage marriage were difficult to find because marriage registrations were sporadic and birth registrations to verify a person's age were available to approximately 10 percent of the population. One local human rights NGO, Mass Line Media, concluded from a survey in 2004 that an estimated 40 percent of all marriages could be considered child marriages. In an effort to reduce child marriage, the Government offered stipends for girls' school expenses if parents promised to delay their daughters' marriage until at least age 18.

According to the Bangladesh Child Rights Forum, 47 children were abducted, 154 were murdered, 388 were injured in various forms of violence, 115 were raped, 15 were victims of acid attacks, and 394 others were missing.

According to human rights monitors, child abandonment, kidnapping, and trafficking continued to be serious and widespread problems. Despite advances, including the creation of a monitoring cell in the home ministry, trafficking of children continued to be a problem.

Child labor remained a problem in certain industries; it frequently resulted in the abuse of children, mainly through mistreatment by employers during domestic service, and occasionally included servitude and trafficking for commercial sexual exploi-

tation abroad. According to a 2006 study by the Bangladesh Institute of Labor Studies, attacks on children constituted more than 50 percent of the deaths, injuries, and sexual assaults reported among domestic workers during the year.

Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking remained a serious problem affecting men, women, and children. Trafficking in children for “immoral or illegal purposes” carries the death penalty or life imprisonment, and the Government took measures for the expeditious prosecution of traffickers. During the year special courts dealing with incidents of repression against women and children adjudicated 30 cases. Courts convicted 32 persons and ordered life sentences for 22 convicted traffickers.

Trafficked women and children went to India, Pakistan, Bahrain, the United Arab Emirates, Kuwait, and destinations within the country. Men seeking work abroad as expatriate labor in countries such as Malaysia and the Middle East occasionally found themselves in exploitative situations of forced labor, with conditions including restrictions on movement, threats, and physical assault. Some women and children were trafficked internally for commercial sexual exploitation. Some children faced forced labor in the fishing industry, and entire families were subject to bonded labor throughout the country.

According to government sources, law enforcement personnel rescued 164 victims of trafficking during the year. Some of the rescued victims remained in government homes or at NGO-run shelters and received social and vocational skills training while NGOs attempted to locate their families.

BNWLA rescued 232 trafficking victims from within the country and repatriated 545 others during the year. The actual number of persons arrested for trafficking was difficult to assess, as charges against traffickers were sometimes for lesser crimes, such as crossing borders without proper documents. According to the Centre for Women and Child Services, most trafficked boys were younger than 10 years of age, while most trafficked girls were between 11 and 16 years of age.

The exact number of women and children trafficked was unknown. Most trafficked persons were lured by promises of jobs or marriage, and some were forced into involuntary servitude outside and within the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside the normal family support system were also vulnerable. For example, traffickers living abroad often married women and deserted them upon arrival in the destination country, where they would be sold into bonded labor, menial jobs, or commercial sexual exploitation. International criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, which continued to make illegal border crossings easy.

As many as 10,000 children were used in brothels for commercial sexual exploitation, and procurers of minors were rarely prosecuted.

Government corruption greatly facilitated the process of trafficking. Police and local government officials often ignored trafficking in women and children for commercial sexual exploitation and were easily bribed by brothel owners and pimps.

Because the number of workers traveling to Southeast Asia and the Middle East increased, the expatriate labor market remained lucrative. Labor recruiters sometimes offered nonexistent jobs or conditions that left migrant workers stranded upon arrival in the receiving country. Recruiters also often charged exorbitant fees that made workers extremely vulnerable to forced labor and debt bondage. Some women were subjected to forced prostitution upon arriving in the receiving country. During the year the Government closed 11 expatriate labor recruitment agencies because the agencies had allegedly defrauded workers. Former members of parliament and other senior political figures allegedly owned several of the agencies. The Government suspended the activities of seven recruiting agencies and ordered six to forfeit their security deposits due to fraudulent activities and breach of contract. In 2007 the Government agreed to eliminate the role of recruitment agencies and to have the Ministry of Expatriate Welfare recruit workers directly as part of negotiations to send expatriate workers to South Korea. In October 2007 the Government of Malaysia announced it would suspend the import of Bangladeshi expatriate laborers after persistent problems with recruitment agencies.

Although a lack of resources hindered investigations, the Government maintained antitrafficking police units in all 64 districts to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the Government worked with legal experts to provide specialized training to prosecutors and with the International Organization on Migration (IOM) to develop an anti-trafficking course for the National Police Academy.

The Government continued its efforts to combat trafficking in persons through intensive case tracking by the trafficking monitoring cell at police headquarters and

holding monthly interministerial committee meetings headed by the MOHA. The cell monitored police activities and assisted in prosecuting relevant cases. The Government had district monitoring committees headed by the deputy commissioners in all 64 districts in the country. These committees transmitted to Dhaka daily progress reports on arrests, convictions, acquittals, and repatriation of trafficked victims.

The ministries of Foreign Affairs, Expatriate Welfare, and Home Affairs worked closely with foreign donors to develop an action plan to combat labor trafficking and migration issues. In 2007 the Foreign Ministry issued new instructions to all consular staff worldwide on how to handle trafficking cases abroad and introduced training courses for director-level Foreign Ministry officials in labor trafficking issues. During the year 25 foreign ministry officials received training to enhance their capacity to protect the victims of human trafficking. In addition, 12 labor attaches received training on ensuring migrant workers' rights and monitoring the compliance of contractual agreements in destination countries.

During the year the MOHA arrested 178 persons on trafficking charges and disposed of 37 trafficking cases. Of those cases, 43 persons were convicted, 32 of whom were sentenced to life imprisonment. Although the death sentence exists for convicted human traffickers, no death sentences were handed down during the year. The Government's efforts remained focused primarily on the trafficking of women and children. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs.

The MOHA secretary continued to meet monthly with NGOs working on antitrafficking issues to facilitate coordination and cooperation between the Government and civil society. The MOHA continued awareness and motivation campaigns to combat trafficking in persons. During the year, MOHA, in consultation with NGOs and other stakeholders, enhanced its information campaign policy by incorporating definitions of trafficking in persons that referenced special courts dealing with incidents of repression against women and children and applicable national and international legal provisions. MOHA also formed a committee to adopt a national plan of action to combat human trafficking in the country.

Since 2005 a cooperative effort among NGOs, the Government, and the UAE resulted in the repatriation of 199 camel jockeys, 198 of whom were reunited with their biological parents. Authorities from the Government and the NGO community continued to monitor the repatriation, rehabilitation, and social integration of the former camel jockeys. All camel jockeys received 104,000 taka (\$1,500) as compensation. The Government, with assistance from UNICEF, initiated the second phase of the camel jockey rehabilitation project to focus on ensuring the sustainability of community care groups and livelihood options for victims.

Many NGOs, community-based organizations, and local government leaders worked on trafficking through prevention, research, data collection, documentation, advocacy, awareness creation, and networking, cross-border collaboration, legal enforcement, rescue, rehabilitation, and legislative reform. Despite constraints such as lack of birth and marriage records at the village level, trafficking cases were prosecuted. There was limited success in increasing shelter capacity and developing rehabilitation programs, including skills and vocational training, to facilitate sustainable social reintegration of the survivors.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law provides for equal treatment and freedom from discrimination for persons with disabilities; in practice, persons with disabilities faced social and economic discrimination. The law focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility, and advocacy.

The Ministry of Social Welfare, the Department of Social Services, and the National Foundation for the Development of the Disabled were the Government agencies responsible for protecting the rights of persons with disabilities.

Government facilities for treating persons with mental handicaps were inadequate. Several private initiatives existed for medical and vocational rehabilitation, as well as for employment of persons with disabilities.

Indigenous People.—Tribal people had marginal ability to influence decisions concerning the use of their lands. There was little progress in the implementation of the 1997 Chittagong Hill Tracts Peace Accord. The Government refused to cede responsibility for key functions such as land use and natural resources to local authorities, as the accord called for. Law and order problems and alleged human rights violations continued, as did dissatisfaction with the implementation of the Peace Accord.

The Government allowed some mobile phone and Internet coverage to the three Hill Tract districts. Although the Government cited security concerns as the reason for limiting coverage, human rights groups and local officials claimed that lack of coverage was also aimed at stunting the development of the region. The Land Commission dealing with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders remained disappointed with the lack of assistance to those who left the area during the insurgency. Local human rights organizations alleged that security forces took advantage of the state of emergency to increase human rights abuses, including arbitrary arrests, against indigenous people.

In February 2007 the Government withdrew 16 temporary camps of security forces in the Rangamati area of the Hill Tracts. Since the signing of the 1997 Peace Agreement, the Government has withdrawn 212 camps, leaving approximately 270 camps. The Government did not conduct further withdrawals in the region.

The conflict continued between the Parbattya Chattagram Jono Sanghati Samity (PCJSS), which signed the 1997 Peace Agreement with the Government, and the United Peoples' Democratic Front (UPDF), which is opposed to the Peace Agreement. There were no further updates regarding the 2007 killing of PCJSS activist Vinku Kumar Chakma.

Tribal organizations continued to allege that security forces abused the indigenous population of the Hill Tracts. There were no updates to the 2007 land dispute in Mahalchari in Khagrachari district.

The PCJSS and indigenous leaders alleged that Joint Forces personnel led by the army took advantage of the state of emergency to step up "suppressive actions" against indigenous people, including arrests and filing of false cases. According to their report, individuals could not protest due to the state of emergency.

There were no developments in the March 2007 arrest of UPDF members Bimol Bikash Chakma and Milon Bihari Chakma.

Tribal people in other areas continued to report loss of land to Bengali Muslims. The Government continued work on national park projects on land traditionally owned by indigenous communities in the Moulvibazar and Modhupur forest areas. In addition, indigenous communities, local human rights organizations, and churches in the area continued to claim that the Government had yet to withdraw thousands of false charges the Forestry Department filed against indigenous residents.

Other Societal Abuses and Discrimination.—Homosexual acts remained illegal; in practice the law is rarely invoked.

There were some informal support networks for homosexual men, but organizations to assist lesbians were rare.

Attacks on homosexuals were known to occur but difficult to track because victims desired confidentiality; there was a social stigma surrounding homosexuality; and local human rights groups did not monitor the problem. There were few studies on homosexuality in the country.

There were no reported cases of violence or discrimination against HIV/AIDS patients. NGOs believed this was partly a function of the refusal of victims to self-identify and an absence of research given the relatively low rate of HIV/AIDS in the country.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to join unions and, with government approval, the right to form a union; Export Processing Zones (EPZs) have a separate set of labor laws. In practice the Government did not consistently respect the right of association. After the Government enforced the EPR, the right of labor unions to meet lawfully, conduct activities, or hold public demonstrations was suspended. Additionally, during the year several labor leaders and organizations reported intimidation and scrutiny by security forces. In September the Government relaxed portions of the EPR to allow for some union and labor activities, and when the state of emergency was fully lifted all activities resumed. The measure had little practical impact on the constraints on forming and registering unions and did not affect the Workers Representation and Welfare Committees that are allowed in the EPZs.

The total labor force was approximately 50 million, of whom approximately 1.9 million belonged to unions, many of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector in which the majority (nearly 80 percent) of citizens worked.

Overall implementation of labor regulations in the EPZs was inconsistent. EPZ-specific labor laws allowed workers to organize into "workers associations," which have collective bargaining rights. These laws allowed the formation of workers representation and welfare committees starting in 2006, followed by the workers asso-

ciation in a two-stage process with the ultimate aim of achieving full rights of association, namely workers unions. Many workers associations were not formally registered. According to labor groups, approximately 60 percent of factories in the EPZs had workers associations in place.

Workers filed legal cases against EPZ factories that did not follow the Bangladesh Labor Act of 2006 (BLA), and the courts made no decisions on this point. According to the law a workplace cannot have more than three trade unions operating at the same time. On May 4, through an amendment of the BLA, the Government declared that no trade union office can be established inside or within 200 meters of any industrial institution or group of institutions. Therefore, any trade union offices within these limits must be moved within three months of the date that the amendment was implemented.

The BLA consolidated laws from 25 separate acts into one comprehensive law. The Director of Labor is responsible for the registration and abolition of unions. During the year some unions were deregistered, primarily for labor law violations. The law afforded unions the right of appeal in the case of abolition or denial of registration.

The law recognized the right to strike if 75 percent of union membership consented to strike. In practice few strikes followed legal requirements; often, strikes or walkouts occurred based on the spontaneous decisions of workers, sometimes prompted by rumors.

The law established mechanisms for conciliation, arbitration, and labor court dispute resolution. The law enhanced and facilitated the process of dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. If a strike lasts 30 days or longer (less in cases of public safety or national interest), the Government can curtail or prohibit the strike and refer the dispute to the labor court for adjudication. However, because most strikes were conducted outside the legal provisions for conducting a strike, the Government did not exercise its authority to curtail them. The Government did file cases against some striking labor leaders and workers for destruction of property, blocking roads, or violation of EPR provisions. In some cases, the appeals courts subsequently acquitted strikers.

A separate law, the EPZ Workers' Association and Industrial Relations Act (EWAIRA) specified association rights in EPZs, although EPZ authorities did not recognize the broader applicability of the BLA, which covered workers' rights beyond the freedom of association.

Under EWAIRA, starting in 2006, workers were permitted to form workers' associations that would have the legal right to strike. A special provision prohibited striking until the end of the current year, however, and instead required mandatory arbitration. Other provisions of EWAIRA allowed collective bargaining but did not permit affiliation with labor organizations outside the EPZ.

Unions were highly politicized and were strongest in state-owned enterprises, including jute mills, textile mills, chemical industries, and the government-run Port of Chittagong.

Civil service and security force employees were legally prohibited from forming unions. Teachers in the public and private sector had previously been banned from forming trade unions. However, in practice, many teachers and professors formed long-standing professional associations without the rights of a union. In 2006 new categories of workers, including teachers and NGO workers, were permitted to form unions. Due to the broad limitations on union organizing during the state of emergency, these regulations were not formally instituted. The BLA also has specific provisions allowing workers in specialized fields in civil aviation and on ocean-going vessels to form trade unions.

b. The Right to Organize and Bargain Collectively.—The law protects the rights of workers to organize and bargain collectively without interference, but that right was not always effectively enforced. The BLA includes provisions protecting unions from employer interference in organizing activities. Implementation of these provisions was uneven, and many private sector employers discouraged union activity. Some employers fired workers suspected of organizing or sympathizing with unions, placed informants in work areas, and intimidated workers with threats of violence.

The Director of Labor ruled on union-organizing discrimination complaints outside the EPZs. Throughout the year the labor court ordered reinstatement of workers who had been fired for union activities, but a large backlog of unresolved cases remained. Most workers in such cases, however, sought financial compensation rather than reinstatement. Of the 329 cases lodged during the year, only 10 to 15 sought reinstatement with the employer. Increasingly, labor disputes were settled informally prior to scheduled hearing dates in the labor court.

Under the BLA, legally registered unions are entitled to bargain collectively with employers. The BLA simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labor organizations reported that in some companies, workers feared reprisals and did not exercise their collective bargaining rights.

EPZ officials interpreted their regulations and applicable laws narrowly, and claimed they were exempt from the broader labor law. Labor groups challenged this claim. For example, the EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories. Some factory managers strongly discouraged workers from meeting outside labor groups and sometimes terminated workers who disregarded these warnings. The challenges to EPZ officials were ongoing at year's end.

Pursuant to the law, individual factory owners received prior authorization from the Bangladesh Export Processing Zone Authority (BEPZA) Executive Chairman to terminate WRWC employees for no cause, or to dismiss them for cause. In cases where the grounds for termination were believed to be the worker's labor organization activities, workers' groups protested the decision to the BEPZA Executive Chairman. The chairman claimed his office held every employer personally accountable for termination, though workers' groups reported that this was not fully enforced.

Federations of workers associations within the EPZ were permitted. As in previous years, the Government did not establish an EPZ labor tribunal or an EPZ labor appellate tribunal as required by EWAIRA. Workers in EPZs began filing complaints in the national labor courts to enforce broader legal rights in the EPZs, in addition to provisions of the EWAIRA.

Throughout the year labor organizers reported acts of intimidation and abuse as well as increased scrutiny by security forces and the National Security Intelligence Agency. Sporadic labor unrest occurred throughout the country. In the wake of unrest, labor organizers reported frequent acts of intimidation and abuse, arbitrarily locked out employees, firing of workers, and increased scrutiny by security forces.

Authorities sometimes arrested labor organizers in what some NGOs considered a crackdown on labor rights activists. For example, on January 24, authorities arrested Mehedi Hasan of the Worker's Rights Consortium because he had investigated the worker protests. NGOs alleged that the Government arrested him in an attempt to intimidate labor organizers from launching similar protests. Largely due to significant international pressure, authorities released Hasan on February 3.

Similarly, on January 18, according to media reports and Odhikar, police arrested 11 labor workers due to their involvement in labor protests in Mirpur and Kachukhet. During the protests, police used clubs and tear gas to disperse the crowd, injuring approximately 100 protesters. Among others, four of the labor organizers were arrested on charges of violating the Emergency Powers Rules; in addition, one was charged with assault of an officer, and the others were charged with vandalizing garment factories and vehicles. Two of the charges remained pending at year's end.

c. Prohibition of Forced or Compulsory Labor.—The BLA prohibits forced or bonded labor and labor by children younger than 14, although in some occupations children between 12 to 14 years of age may legally work. The Government has not enforced these prohibitions effectively. The BLA created inspection mechanisms to strengthen laws against forced labor, but these laws were not enforced.

The Government succeeded in eliminating some bonded and forced labor from large-scale industries. However, in some industries, such as tanning hides, ship breaking, shrimp processing, restaurants, and domestic servitude, labor groups, NGOs and newspapers reported child labor.

There continued to be numerous reports of violence against domestic workers. The Government continued to bring criminal charges against employers who abused domestic servants. Many impoverished families chose to settle for financial compensation. Trafficking of women and children remained a problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—The BLA regulates child employment depending on the type of work and the child's age. Because of widespread poverty many children began to work at a young age. In 2006 the International Labor Organization (ILO) released a 2005 Baseline Survey for Determining Hazardous Child Labor Sectors, which estimated that of the 2.2 million workers in 45 targeted hazardous sectors, 532,000 child workers age five to 17 did hazardous labor. According to the survey, no children worked in ship breaking, manufacture of cigarettes, manufacture of pesticides, or fireworks manufacture during the survey period. According to the study, child labor prevailed in hazardous establishments such as saw milling, battery recharging, welding, metal works, and car-

penalty. In addition, the report concluded that children were verbally and physically abused.

During the year the Government, with ILO support, established a child labor unit at the Ministry of Labor and Employment to coordinate planning and execution of all child-related labor interventions.

Children routinely performed domestic work. The Government occasionally brought criminal charges against employers who abused domestic servants. Under the law every child must attend school through grade five or the age of 10 years, but there is no effective legal mechanism to enforce this provision.

There was little enforcement of child labor legislation outside the export garment sector. The BLA specifies penalties for child labor violations, typically nominal fines of less than 5,000 taka (\$80). Agriculture and other informal sectors that had no government oversight employed large numbers of children.

e. Acceptable Conditions of Work.—The National Minimum Wage Board (NMWB) announced a new national minimum wage in 2007 for all economic sectors not covered by industry-specific wages at 1,800 taka a month (\$26.50). Given the low standard for minimum wages and high inflation, worker advocacy groups stated that none of the set minimum wages were sufficient for a decent standard of living. The NMWB convenes every five years in a tripartite forum to set wages and benefits industry by industry, using a skill-level range. In the garment industry, wages were sometimes higher than the minimum required wages, due to skilled labor shortages. Wages in the EPZs were considerably higher than general national wage levels. It was also common practice for garment factories to force workers to work overtime, delay their pay, and deny full leave benefits.

The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) reported implementation of the minimum wage at nearly 99 percent compliance in the factories surveyed. BGMEA identified 32 noncompliant garment factories as subcontracting operations. Workers groups contested BGMEA's sampling methods.

The BLA established occupational health and safety standards. Workers groups stated that legally established standards were sufficient, but they were rarely implemented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due to the low number of labor inspectors and endemic corruption and inefficiency among inspectors. Because of a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to work under hazardous conditions risked losing their jobs. A work day is eight hours; however, a worker may work 10 hours a day in certain instances. Overtime is permitted but the employer must pay double the basic wage and other allowances and ad hoc or interim wage for the overtime work.

A standard work week is 48 hours but can be extended up to 60 hours, subject to the payment of overtime allowances. However, annually the average weekly working hours should not exceed 56 hours. Workers must get one hour of rest if they work for more than six hours a day, one-half hour of rest if the worker needs to work more than five hours a day, and one hour's rest at intervals for more than eight hours' work in a day. Factory workers receive one day off every week. Shopworkers receive one and one-half days off per week.

BHUTAN

Bhutan is a democratic, constitutional monarchy with a population of approximately 700,000. During the year the country completed its transition from a hereditary monarchy. On July 18, the parliament formally adopted the constitution, originally drafted in 2003 and published in 2005. On March 24, citizens elected a national assembly of the new bicameral parliament, while elections in December 2007 installed the national council. The current King, Jigme Khesar Namgyel Wangchuck, is the head of state, and executive power is vested in the cabinet, headed by the prime minister. The civilian authorities generally maintained effective control of the security forces.

The transition to a parliamentary democracy helped the human rights situation to improve considerably; however, there were continued difficulties with the regulation of religion, and some discrimination against the ethnic Nepalese minority.

In January and February several bomb blasts hit the country's southern districts prior to the March 24 elections. The Government blamed the blasts on Maoists and ethnic Nepalese rebels. A human rights group alleged that the Government unlawfully detained 50 suspected Maoists in connection with the blasts, but there was no specific evidence to support this charge. On December 30, United Revolutionary

Front of Bhutan (URFB) rebels attacked a group of forest workers, killing four persons.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, however, in contrast to previous years, some human rights groups alleged that the army mistreated arrested cadres of the Bhutan Communist Party o- Marxist Leninist Maoist (BCP-MLM) after a string of bomb blasts prior to the March elections. The South Asia Human Rights Documentation Centre (SAHRDC) received anecdotal information from Indian border towns that the Government detained Maoist leaders and denied them food and medical treatment. There was no confirmation of these allegations.

Prison and Detention Center Conditions.—Prison conditions were reportedly satisfactory, and buildings and installations remained in fairly good condition. In November 2007 the International Committee of the Red Cross (ICRC) visited the Lodrai sub-district jail and Chamgang central jail. In both locations authorities kept prisoners incarcerated for politically motivated crimes in areas separate from common criminals. The Government extended the ICRC prison visits program for an additional year, as it had done annually since the Government and the ICRC signed a five year Memorandum of Understanding (MOU) in 1998. Authorities have been cooperative and allowed the ICRC unhindered access. The MOU is routinely renewed every year for the following year. The latest one is valid for one year starting October 20. However, the ICRC did not make their annual visit to the country due to the King's coronation celebration but planned to come in early 2009.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, a human rights group reported that 50 CPM-MLM cadres arrested in connection with the bomb blasts in January and February continued to be detained, although no information was available regarding their whereabouts or whether they had been charged.

Role of the Police and Security Apparatus.—The Royal Bhutan Police, under the control of the Ministry of Home and Cultural Affairs, was responsible for internal security. The Royal Bhutan Army was responsible for external threats but also some internal security responsibilities, such as guarding forests, providing security for important persons, and conducting counterinsurgency operations. The army and police both have internal investigative procedures, and a court of inquiry undertakes the investigation of any allegation of inappropriate conduct. If a case arises, the King or another senior official makes the final decision. In corruption cases, the Anti-Corruption Commission (ACC) is authorized to investigate.

Arrest and Detention.—Under the law police may not arrest a person without a warrant, and in practice the police generally respected the law, which requires an immediate statement of the charge and a reasonable effort to inform the person's family. The authorities are required to bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. Bail is available depending on the severity of charges, the suspect's past criminal record, likelihood of flight, and potential threat to the public. Unlike previous years, no ethnic-Nepalese or Bhutanese attempted to return to the country through camps in Nepal. There were no attempts to hold demonstrations on the border during the year. ICRC and the Nepal Red Cross Society continued to partially reimburse the travel fare for the families of detainees living in camps administered by the United Nations High Commissioner for Refugees (UNHCR) in Nepal wishing to visit their relatives detained in Chamgang. ICRC authorities offered families living in neighboring countries assistance to visit relatives held in the country. In addition, the ICRC relayed Red Cross messages between detainees and their families.

e. Denial of Fair Public Trial.—In January 2007 the Government passed the Judiciary Services Act (JSA), establishing the formal separation of the judiciary from the executive. The act established conduct standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The judiciary is overseen by the National Judicial Commission (NJC).

The JSA created a Supreme Court that has the responsibility of overseeing the interpretation and application of the constitution. The judicial system consists of subdivisional courts, district courts, and a high court. The NJC nominates and the King confirms judges to the High Court and 20 district court justices. Judges may be removed, suspended, or censured by the King only at the request of the NJC. The chief justice of the High Court, using recommendations of the Judicial Service Council, makes judicial appointments to the subdivisional courts.

The Office of Legal Affairs (OLA) is the judicial support department of the Government and conducts state prosecutions, drafts and reviews legislation, and renders legal counsel. The OLA consists of a legal services division with domestic, international, and human rights sections, and a prosecution division with both a criminal and civil section.

Village headmen, who have the power to arbitrate disputes, constituted the bottom rung of the judicial system. Magistrates with responsibility for a block of villages reviewed the decisions of village headmen. Magistrates' decisions could be appealed to district judges; there was one for each of the country's 20 districts.

Trial Procedures.—The law stipulates that defendants receive a fair and speedy trial, as long as it does not limit the ability of the accused to prepare an adequate defense, and the Government generally respected these conditions in practice. A preliminary hearing must be convened within 10 days of registration with the appropriate court. Before any guilty or no contest plea is registered, the court must determine whether the accused is mentally sound and understands the consequences of such action. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt. Juries were not used. Punishments included imprisonment, probation, fines, or restitution. Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegated the decision to the Royal Advisory Council. Trials were conducted publicly, except for family law and cases involving juveniles.

Citizens generally had the right to a fair trial. Courts tried criminal and civil cases under both customary law and the legal code. State appointed OLA prosecutors filed charges and prosecuted cases for offenses against the state. In other cases the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants and their attorneys had access to government-held evidence.

The law provides for the right to representation in criminal cases, including state provision of counsel pro bono when the defendant cannot afford to pay. However, in practice there are no instances of the Government providing free legal counsel to political opponents, and many citizens who were unable to afford representation did not receive professional legal assistance. Defendants may choose legal representation from a list of government licensed advocates. The Government stressed the utility of judiciary Web sites for legal information as a means of self-help. The OLA stated that most defendants sought legal assistance only in serious criminal cases.

Political Prisoners and Detainees.—During the year the Human Rights Organization of Bhutan estimated that the Government released four or five individuals who had been imprisoned for violence associated with political dissidence from 1991 to 1992. No ICRC visits took place during the year. However, in 2007 the Government permitted ICRC regular access to 37 detainees and the ICRC monitored 41 newly registered cases, visiting 78 detainees in total. The ICRC facilitated the distribution of 120 Red Cross messages from family members to detainees.

Several nongovernmental organizations (NGOs) asserted that while some of the detainees were sentenced to life in prison, other sentences varied and most ranged from three months to three years.

Civil Judicial Procedures and Remedies.—Criminal matters and most civil matters are resolved by application of the 17th century legal code as revised in 1957 and 2001. Precedence is not used in the delivery of justice. Questions of family law are governed by traditional Buddhist or Hindu law. Minor offenses are adjudicated by village headmen.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions.

Human rights groups claimed that the Government interfered with individual rights by requiring all citizens, including minorities, to wear the traditional dress of the ethnic majority in public places. The Government strictly enforced the law only for Buddhist religious buildings, government offices, schools, official functions, and public ceremonies. Increasingly, younger citizens flouted this regulation.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—In January and February a series of five explosions occurred, including one in the capital, Thimphu,

which injured 11 persons. The Government blamed the attacks on Maoists and ethnic Nepalese rebels, including the BCP-MLM, the Bhutan Tiger Force, and the URFB. Security forces on both sides of the border suggested that the Maoist groups frequently crossed into India to purchase weapons and explosives; consequently, during the year, both countries fortified the 250-mile border.

Ethnic Nepalese political organizations, such as the HUFOB, claimed that security forces harassed persons in the southern part of the country.

On January 16, a Royal Bhutan Army (RBA) patrol exchanged fire with a group of militants in Lower Dhanessey, in Tsirang. RBA reported that the militants came from the refugee camps in Nepal.

On January 20, four bomb explosions occurred in four districts: Samste, Thimphu, Chukha, and Dagana. The URFB claimed responsibility.

On February 3, police reported that a bomb exploded behind the Renewal Natural Resources office in Ghmauney. There were no casualties. Near the scene of the explosion, police allegedly found BCP-MLM pamphlets threatening to disrupt the national assembly elections.

In March police reported that they raided two small Maoist camps in the jungles of the southern districts and arrested eight rebels, including a Maoist "commander." Police also claimed that they killed at least five suspected Maoists during several operations in the same month.

On March 13, police reported that Bik Bahadur Subba died while handling an explosive device at his house. Police claim that Subba was a member of BCP-MLM and was one of four militants responsible for planting two bombs in Dagapela on January 20.

On March 15, two blasts destroyed the base of an electric tower in Ahley village of the Chukha district. The tower transports hydropower from the Tala project to India. The URFB allegedly left pamphlets claiming responsibility.

On December 30, URFB rebels attacked a group of forest workers in the Sarpang district in southern part of the country. The rebels had planted an improvised explosive device on the road and opened fire on the workers after the explosion. The attack killed four forest workers and injured two others.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the Government attempted occasionally to impede criticism and monitor political meetings.

Individuals were able to criticize the Government publicly.

Several independent newspapers operated freely and published stories critical of the Government. Foreign newspapers and magazines were available. In May 2007 the Government proposed controls on advertising; after many unfavorable newspaper editorials, the Government withdrew the proposal.

The Government allowed foreign broadcasts. Private radio and television stations were active and expressed a variety of views, although the Government may have limited the number of television channels available. In April 2007 a private radio station, Radio Valley FM, began operations in English and Dzongkha. International organizations maintained that the operational costs were often more prohibitive than government restrictions. The Government did not censor content.

Internet Freedom.—Individuals and groups could generally engage in peaceful expression of views via the Internet, although there were some reports of government restrictions. The Government blocked access to two news sites, *bhutantimes.com* and *bhutannews.com*. Government officials said forum discussions on *bhutantimes.com* were too critical of Minister Sangey Nidup, maternal uncle of the King. In August 2007 *bhutantimes.com* reported that the Government lifted its block on service within the country. *Bhutannews.com* was no longer operational at year's end. The Government continued to monitor material on the Internet and blocked what it deemed pornographic.

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

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution provides for the right to freedom of peaceful assembly and freedom of association, with the caveat that membership to associations that are "harmful to the peace and unity of the country" are excluded. In January 2007, according to SAHRDC, a group of ethnic Nepalese staged a protest in Phuntsholing as part of their continuing effort to pressure the Government to resolve the Bhutanese refugee problem in Nepal. Police arrested the demonstrators and handed them to the Jaigaon police of West Bengal in India.

NGOs that work on overtly political issues were not allowed to operate inside the country. In December 2007 the Samtse District Court in the southwest sentenced 30 members of the BPB-MLM, based in Nepal, for alleged acts of sedition. In recent years, security forces arrested citizens for taking part in peaceful prodemocracy demonstrations. They also arrested and deported Southern Bhutanese refugees living in Nepal who entered and demonstrated inside the country for the right to return home.

Freedom of Association.—The law provided for freedom of association, and the Government permitted the registration of some political parties and organizations. However, the Government did not permit political parties organized by ethnic Nepalese citizens. According to international NGOs, local civil society organizations attempted to balance criticism of the Government to foster a mutually comfortable working relationship.

c. Freedom of Religion.—Mahayana Buddhism is the state religion; however, the law provides for freedom of religion. There were allegations that the Government restricted this right in practice.

The Government favored the Drukpa Kagyupa and Ningmapa Buddhist groups through subsidization of monasteries and shrines, as well as aid for monks. The Government stated its actions were in accordance with a 1956 agreement following its seizure of Buddhist land for redistribution to landless citizens. Societal pressure to practice Buddhism was not apparent. Major Buddhist holy days are state holidays. The King declared one major Hindu festival a national holiday, with royal family participation.

NGOs reported that the Government required permission to build religious temples but rarely granted it for non-Buddhist buildings. Followers of religions other than Buddhism and Hinduism were free to worship in private homes but could not erect religious buildings or congregate in public. International Christian relief organizations and Jesuit priests were active in education and humanitarian activities. Proselytism and forced conversion are barred under the National Security Act, which prohibits speech that promotes “enmity or hatred” between religious groups. Violation of the law is punishable with up to three years’ imprisonment, although government enforcement of this provision was unclear.

Societal Abuses and Discrimination.—According to dissidents living outside the country, the Government permitted only Drukpa Kagyupa and Ningmapa Buddhist religious teaching in schools. Some dissidents claimed that Buddhist prayer was compulsory in all government-run schools; however, the Government contended that Buddhist teaching was permitted only in monastic schools and that religious teaching was forbidden in other schools. Local NGOs confirmed that although students took part in a prayer session each morning, it was nondenominational and non-compulsory. Government authorities occasionally asked applicants to state their religion before rendering public services. The Government required all civil servants to take an oath of allegiance that did not have religious content but was administered by a Buddhist Lama. There were no reports of Hindus and Christians in government service being denied promotions.

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

The formal practice of Hinduism is permitted.

For a more detailed discussion, see the 2008 International Religious Freedom Report www.state.gov/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, but the Government limited them in practice. In districts along the Chinese and Indian borders, the Government administered highway checkpoints and required travelers to show their citizenship identity cards.

The law does not address forced exile. Although the Government officially does not use formal exile, there were over 100,000 ethnic Nepalese Bhutanese living in refugee camps in Nepal and India after a government campaign in the 1980s forced them out of the country. While the Government has agreed, in principle, to accept many into the country, they have declined requests to visit the refugee camps. In previous years many political dissidents freed under government amnesty stated they were released on the condition that they depart the country. The Government denied this assertion. Many of those released subsequently registered at refugee camps in Nepal, while some relocated to India.

The Government restricted emigration and prohibited the return of citizens who left the country. The country’s citizenship laws state that persons who have left the country of their own accord, without the knowledge or permission of the Govern-

ment, or whose names are not recorded in the citizenship register maintained in the Ministry of Home Affairs (MHA), would not be considered citizens of the country. Some dissidents and human rights groups claimed that the Government wrote the law specifically to deny citizenship to ethnic-Nepalese Bhutanese. Human rights groups also alleged that some ethnic Nepalese with relatives in the camps faced insurmountable bureaucratic challenges and were denied identification cards for procedural reasons. As a result, these individuals were unable to participate in the election process.

Protection of Refugees.—The law does not provide for granting asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

From 1990 to 1993 more than 80,000 ethnic-Nepalese Bhutanese entered Nepal. Approximately 15,000 additional refugees fled Nepal to India, but UNHCR did not accord them refugee status. According to Human Rights Watch (HRW), there were between 25,000 and 45,000 unregistered ethnic-Nepalese Bhutanese refugees living outside refugee camps in India and Nepal who also did not have Bhutanese citizenship, rendering these persons stateless. The Government has stated its commitment to receiving “genuine” refugees wishing to return voluntarily from the camps but maintains that only a small number of persons in the Nepali camps are genuine Bhutanese.

Stateless Persons.—Implementation of a government conducted nationwide census in 1985 resulted in the denationalization of many ethnic-Nepalese Bhutanese. The census was redone in 1988–1989 in the southern districts. At that time persons were required to present land ownership documents from 1958. Those who then lost citizenship under the 1985 law were permitted to re-apply for citizenship provided that certain conditions were met. The Government considered those who could not meet the harsher citizenship requirements as illegal immigrants. Beginning in 1988 the Government expelled large numbers of ethnic-Nepalese Bhutanese under the 1985 citizenship law.

The law provides for the revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan.” The MHA later declared that any nationals leaving the country to assist “antinationalists,” and the families of such persons, would forfeit their citizenship. The law permits re-application for citizenship after a two-year probationary period. The Government re-issued citizenship upon successful completion of the probation period and a finding that the person in question is not responsible for any act against the Government.

There were allegations that the Government sponsored discrimination targeted at the remaining ethnic-Nepalese Bhutanese living in the country through restrictive citizenship laws. Ethnic-Nepalese Bhutanese must meet very strict criteria to be considered “genuine” Bhutanese and obtain citizenship and security clearances in the form of No Objection Certificates (NOCs). Without citizenship they are stateless and face discrimination with regard to education, employment, and land ownership.

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

The country completed its successful transition from a hereditary monarchy to a constitutional monarchy, marking the final step in the transition to a parliamentary democracy. National Assembly elections took place in March, and on July 18, the constitution was adopted. The constitution stipulates limited rights to change the Government, a separation of powers, and protection of human rights.

Elections and Political Participation.—In March 2007 the Government began allowing political parties to register for the first time under terms of the draft constitution. Three parties registered with the Election Commission of Bhutan (ECB). In November 2007 the ECB disqualified the Bhutan People’s United Party, for “failing to prove its credibility” as a national political party because its candidates did not meet the education requirements. There was no action on its appeal. Activists reportedly were arrested in mid-2007 for putting up posters and other campaign materials for unregistered political parties. The Government regarded political parties organized by ethnic-Nepalese Bhutanese living in Nepalese refugee camps as illegal, terrorist, and antinational. These parties, which sought the repatriation of refugees and democratic reforms, were unable to conduct activities inside the country.

The new constitution stipulates a bicameral parliament, and the Election Act specifies that a candidate must have at least a bachelor’s degree to contest the par-

liamentary election. On March 24, voters elected the 47-member National Assembly, the lower house. The Druk Phensum Tshogpa won 44 out of 47 seats in which 80 percent of the 320,000 voters cast a ballot. HRW reported that the Government excluded 13 percent of the population from voting because, as ethnic-Nepalis, they were considered "non-nationals" in the 2005 census. Nonetheless, nine Nepali speaking candidates were elected.

There are 25 members of the National Council, or upper house of parliament; the King appoints five members and the remaining members are elected. In December 2007 elections for the National Council, voters elected three women, two Nepali speakers and one Hindu, and one Christian. International monitors judged the elections free and fair.

Women constituted 26 percent of civil service employees and held more than 30 percent of positions at the Ministry of Foreign Affairs. There were no women on the high court, although there was one female judge in a district court. There was no provision for allocating a set number or percentage of parliamentary seats for women or members of minority groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. The Government took an active role in addressing the issue through the public accounts committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The anticorruption fraud alert system allowed citizens to post information on its Web site regarding corrupt practices. During 2007 the ACC received 283 complaints, mostly by civil servants, with 18 investigations underway. During the year the ACC received 1,576 complaints and investigated 34 cases involving 196 persons.

A 2007 Corruption Perception Survey underlined that 43 percent of the responding citizens perceived a rise in corruption during the past five years.

There is no law providing public access to government information; however, NGOs reported that the Government regularly provided unclassified information upon request.

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

There were no legal human rights organizations in the country. The Government regarded human rights groups established by ethnic-Nepalese Bhutanese as political organizations and did not permit them to operate in the country. The ICRC was the only human rights monitoring group officially operating in the country. However, various civil society organizations function locally and informally. Several international NGOs recently started operations in the country.

In July the Government condemned UNHCR for its failure to screen individuals entering camps in Nepal in the early 1990s to determine if they were genuine citizens and refugees. The demarche charged that individuals who entered the camps before screening and registration mechanisms were established are not citizens and are, with UNHCR's protection, using the camps as a base for terrorist activities against the country.

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

The constitution prohibits discrimination on the basis of race, sex, disability, language, or social status.

Women.—The law mandates that the Government should take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, prostitution, abuse, violence, harassment, and intimidation both at work and at home, and generally the law is enforced. NGOS reported that women faced little overt discrimination and had equal access to health care, education, and public services. While there was no evidence that rape or spousal abuse were extensive problems, NGOs reported that many women did not report rape because of cultural taboos or because they were unaware of their rights.

The law contains a clear definition of criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 17 years in prison. In extreme cases a rapist may be imprisoned for life. Spousal rape is illegal. There were few reported instances of sexual harassment.

Women were accorded respect in the traditions of most ethnic groups and participated freely in the social and economic life of the country. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. For example, traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. As a result, 60 percent of rural women held land registration titles, accounting for the large number of

women who owned shops and businesses. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter holding this position. Within the household men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. In 2004 women constituted approximately 30 percent of the formal work force. Dowries were not customary, even among ethnic Nepalese Hindus.

Prostitution took place on a limited scale, mostly in border towns.

The law covers questions related to family issues, including divorce, child custody, and inheritance. The minimum age of marriage for women is 18 years. The law provides for equal treatment for men and women. Polygamy is allowed provided the first wife gives her permission. Polyandry is permitted but rare. Marriages may be arranged by the marriage partners themselves as well as by their parents. The law requires that all marriages be registered.

The National Women's Association of Bhutan tried to encourage women to improve their living standards and socio-economic status. A National Commission for Women and Children (NCWC) actively defended the rights of women and children during the year. Respect, Educate, Nurture and Empower Women, a new organization operating with funding and direction from the Queen, focused on HIV/AIDS and other health issues to improve the lives of underprivileged and marginalized women. In April 2007, the Government established the Women and Child Protection Unit, run by female police officers in collaboration with the NCWC. The unit provides a setting for women to voice problems freely and works to ensure that victims receive appropriate care.

Children.—The law provides for children's rights, and the Government's policies generally supported these provisions. Child abuse was rare. Terrain and settlement patterns prevent all births from being registered. NGOs assert that children of non-registered ethnic-Nepalese Bhutanese may not have their births registered. The failure of timely birth registration has negative consequences, as children may find it more difficult to obtain citizenship cards.

The Government provides 11 years of universal, free education. According to the United Nations Development Program's 2007 report, the primary school net enrollment rate was 82.1 percent. The Ministry of Education reported that enrollment of girls at every level of general education has slowly, but steadily increased since 2002. Girls comprised 49 percent of the enrollment in schools and, in several districts, the average surpassed 50 percent. Approximately 33 percent of university students were female and only 18 percent of the students receiving study abroad scholarships were also female.

There is no law barring ethnic-Nepalese Bhutanese children from attending school. However, the Government denied NOCs to children of ethnic-Nepalese Bhutanese whom the Government claimed were antinationals, thus denying them higher education. Exile groups claimed that the Government discriminated against ethnic-Nepalese Bhutanese secondary-level students in distribution of educational advantages and benefits, particularly if they were related to prominent dissidents or refugees. The Government refuted this claim, stating that all scholarships were merit based.

Trafficking in Persons.—The law prohibits trafficking in persons, and reliable sources indicated that low numbers of individuals were trafficked both to and from the country, although exact numbers were difficult to ascertain due to a lack of NGOs and government officials working on this issue. There were no reported cases of trafficking within the country.

Persons With Disabilities.—The law does not protect specifically the rights of citizens with disabilities; however, it directs the Government to try to provide security in the "event of sickness and disability." There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or in the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities; however, the Government did not enforce the law consistently. Under the Disability Prevention and Rehabilitation Program, the Government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities into normal schools, and foster community awareness and social integration.

There are special educational institutes for students with disabilities. The National Institute for the Disabled in Khaling educates visually impaired children, and there is a deaf education resource unit in Paro. There are special education facilities in Thimphu to meet the needs of children with physical and mental disabilities. While there were no government sponsored social welfare services available for per-

sons with disabilities, the National Pension and Provident Fund grants benefits to persons with disabilities.

National/Racial/Ethnic Minorities.—An estimated 100,000 ethnic-Nepalese Bhutanese left the country in the early 1990s, although the Government asserted that a substantially smaller number departed. Ethnic-Nepalese Bhutanese claimed they were subject to discrimination and prejudice in employment, while the Government insisted they were proportionally represented in civil service and government jobs. Human rights groups outside the country contended that the Government's employment claims are based on intentionally inaccurate numbers.

The Government resettled Drukpa Bhutanese in the southern part of the country on land vacated by the ethnic-Nepalese Bhutanese. Human rights groups maintained that this prejudiced any eventual outcome of negotiations over the return of the refugees to the country. The Government maintained that it occasionally resettled Lhotsampa from the south on more fertile land in other parts of the country. In the same fashion, the Government's one-time only policy on the forced retirement of refugee family members in government service, and the resettlement of Drukpa on land vacated by expelled ethnic-Nepalese Bhutanese in the south, reinforced prejudice against the ethnic-Nepalese Bhutanese. The Government argued that the resettlement scheme was part of a nationwide program to discourage migration to urban centers and reduce the dependence of landless persons of migrant farming.

The law requires that the national dress be worn for official occasions and as a school uniform, and that the Dzongkha language be taught as a second language in all schools. No instruction in Nepali as a second language was required or offered. Discriminatory measures with regard to ethnic minority communities continued.

Other Societal Abuses and Discrimination.—Homosexuality is illegal in the country and punishable as a petty misdemeanor with a prison sentence ranging from one month to one year. There were no reported cases of such charges.

There is no mention of HIV/AIDS or language referring to discrimination based on illnesses in the constitution. However, these topics were not considered taboo in the country and the World Bank reported that the Government discussed sexual health issues openly and positively.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form workers' associations; however, there were no associations operating in the country during the year.

b. The Right to Organize and Bargain Collectively.—The law does not authorize collective bargaining. The Labor and Employment Act of 2007 grants workers the right to litigate. Workers do not have the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The Government required community service to build local roads, schools, and hospitals. NGOs reported that in southern areas of the country, where Drukpas were resettled following the move of ethnic-Nepalese Bhutanese, remaining ethnic-Nepalese Bhutanese were required to perform a disproportionate amount of compulsory labor. The Government and NGOs stated that rural workers often volunteered to work on national projects and were paid slightly above the minimum wage.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children; however, child labor was prevalent. There is no minimum age for employment. The Labor and Employment Act of 2007 allows for employment of children between the ages of 13 and 17 in environments that would not damage their health. Children under 18 often performed agricultural work and chores on family farms and shops after school and during holidays. Girls are occasionally employed as domestic workers, where they are vulnerable to abuse and exploitation. NGOs estimated that there were approximately 45,000 persons under 18 who were working. Labor inspectors operating under the Ministry of Labor and Human Resources enforced child labor laws sporadically.

e. Acceptable Conditions of Work.—The law addresses issues such as minimum wage, sexual harassment, workers' associations, acceptable forms of child labor, and labor inspection regulations. In 2007 parliament passed a Labor Act which allows employees to form an association in one office if at least 12 employees join the association. The law was first tested on September 24, when Bhutan Telecom employees decided to form an association after they accused management and the Government of discriminatory behavior in promotions. There have been no subsequent updates

on the formation of the association. The law does not allow for the formation of unions or for strikes.

The national minimum wage of 99.44 ngultrums (approximately \$2.50) per day plus various allowances paid in cash or kind provided a decent standard of living for a worker and family. In June the Ministry of Labor announced that it planned to form a committee that will examine the minimum wage in terms of employers' ability to afford the wage, employee productivity, type of work, and cost of living. The committee had not released its findings by year's end. The workday is defined as eight hours with a one-hour lunch break, and employers must grant regular days of leisure. Work in excess of this must be paid at one and one-half times the normal rates.

All citizens are entitled to free medical care. The Government transported persons who could not receive adequate care within the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families are entitled to compensation. Existing labor regulations do not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

INDIA

India is a multiparty, federal, parliamentary democracy with a bicameral parliament and a population of approximately 1.1 billion with an active civil society. Manmohan Singh became prime minister following his Congress Party-led coalition's victory in the 2004 general elections, which were considered free and fair, despite scattered instances of violence. Serious internal conflicts affected the states of Jammu and Kashmir, as well as several states in the north and east. While civilian authorities generally maintained effective control of the security forces, security forces occasionally acted independently of government authority during incidents of communal tensions in states such as Karnataka.

The Government generally respected the rights of its citizens; however, serious problems remained. Major problems included extrajudicial killings of persons in custody, disappearances, and torture and rape by police and other security forces. Investigations into individual abuses and legal punishment for perpetrators occurred, but for the majority of abuses, the lack of accountability created an atmosphere of impunity. Poor prison conditions and lengthy detentions during both pretrial and trial proceedings remained significant problems. Officials used special antiterrorism legislation to justify the excessive use of force. Corruption existed at all levels of government and police. The Government applied restrictions to the travel and activities of visiting experts and scholars. Significant restrictions remained on the funding and activities of NGOs. Increasing attacks against religious minorities and the promulgation of antireligious conversion laws were concerns. Violence associated with caste-based discrimination occurred. Domestic violence, child marriage, dowry-related deaths, honor crimes, female infanticide and feticide remain serious problems. Trafficking in persons and exploitation of indentured, bonded, and child labor were continuing problems.

Separatist guerrillas and terrorists in Kashmir, the Northeast, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, judges, and civilians. Insurgents engaged in widespread torture, rape, beheadings, kidnapping, and extortion; however, the number of incidents declined compared to the previous year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were credible reports that the Government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents. A high rate of encounter killings occurred in the Northeast, particularly in the states of Assam and Manipur. Sources also reported encounter killings in Jammu and Kashmir, Maharashtra, and Chhattisgarh. Custodial deaths remained a serious problem, and authorities often delayed prosecutions.

Despite the National Human Rights Commission's (NHRC) recommendations that all police encounter deaths be investigated by the Criminal Investigations Department (CID), many states conducted internal reviews only at the discretion of senior officers. For example, between January and July, Mumbai police killed 12 alleged

criminals in nine separate encounters. There was no investigation of these incidents despite NHRC recommendations to do so. On August 31, police dismissed senior inspector Pradeep Sharma of the Mumbai police after he was implicated in numerous encounter deaths. He is alleged to have killed more than 112 persons over 25 years.

On July 4, according to Human Rights Alert, Manipur Police arrested L. Bimolchandra in Imphal, Manipur, on suspicion of armed activities against police. His death in police custody at Changangei prompted a July 6 general strike by civil society organizations; the inquiry into his death continued at year's end.

On September 19, police killed two suspected terrorists for involvement in the September 13 Delhi serial blasts during an encounter at Batla House, Delhi. Police Inspector MC Sharma was killed. Media and human rights groups alleged that Delhi police staged the encounter, including the shooting of Inspector Sharma. After the NGO Real Cause filed a petition to investigate the shooting, the court directed an inquiry according to NHRC guidelines. The investigation continued at year's end.

On October 27, Rahul Raj, who had taken passengers hostage on a public bus, was shot by police in Mumbai. The case was under investigation at year's end.

There were no updates on several high profile killings. These included the March 2007 killings of seven villagers near Santoshpur village in Dantewara district of Chhattisgarh by "unknown uniformed persons." No investigation occurred in the April 2007 killings of two boys, Asif Iqbal and Sahin Sk, allegedly by Border Security Forces (BSF) in Murshidabad district. No developments occurred in the October 2007 arrest of Mohammed Tariq for the alleged torture and encounter killing of schoolteacher Abdur Rashid Mir in Jammu.

In February a civil court in Srinagar charged seven policemen, including Hans Raj Parihar, Senior Superintendent of Police, for the 2006 encounter killing of Abdur Rahman Padder. A trial continued at year's end.

There were no developments in the following 2006 cases: the killing of Fayaz Ahmad Bhat, the killing of Abu Osama, or the encounter killing of two suspected Lashkar-e-Tayyiba (LeT) terrorists in Delhi. The 2006 death of Captain Sumit Kohli in Kupwara, Jammu and Kashmir, remained unresolved, with the army claiming he committed suicide but the family alleging that he was killed because he was scheduled to testify against another officer.

The 2006 Ram Narayan Gupta case before the Mumbai High Court continued after investigators introduced evidence in September that Gupta had been killed while in police custody.

Deaths while in police and judicial custody remained a significant problem. According to the Home Ministry, the NHRC reported 1,459 deaths nationally in police and judicial custody between April and December 2007. The Asian Center for Human Rights (ACHR) alleged that custodial deaths were a severe problem and reported that 7,468 persons died in prison or police custody since 2002.

According to the NHRC, several states had significant numbers of reported deaths in custody. In Jammu and Kashmir, 3,575 persons died in custody during the past six years. The NHRC noted that deaths in custody declined in both Andhra Pradesh and Tamil Nadu due to measures undertaken to improve prison conditions. In 2007, 25 persons died in custody in Maharashtra compared to 21 in 2006. Beginning in June 2007, according to a media report, the Government of Maharashtra stopped automatic CID probes into custodial deaths to avoid "demoralizing the police force." According to the Kerala State Human Rights Commission (KSHRC), 46 persons died in state custody in 2007, but the commission found no evidence that any of the deaths were the result of police torture as alleged by human rights groups.

NGOs reported other cases of deaths in custody. For example, on March 30, Kadir Shaikh died in the custody of the Navi Mumbai police. On May 3, Mohammad Yusuf died in Arthur Road jail in Mumbai. While NGOs asserted that he died from beatings, prison officials claimed he died from narcotics withdrawal. On May 25, Mainabai Naitam died while in the custody of Gadchiroli district police. In these cases, the Government of Maharashtra ordered a CID enquiry, all of which continued at year's end.

There was no further progress on 2007 cases, such as the death of Krishnapada Das in the Pathor Pratima police station in West Bengal or the beating death of Hayat Seikh during a one-week detention at the Beldanga police station for which one policeman had been suspended.

On March 11, authorities arrested Subinspector Narayan Tamuli, assistant sub-inspector Pramode Ranjan Nath, and Constable Ramjan Hossain for the custodial death of Matahar Ali Talukdar in 2007.

There were no developments in the 2006 custodial deaths of Gurmail Singh, Madan Lal, or Premnath Janardan Rao.

As a result of an army inquiry into the 2006 killing of eight civilians during protests of the custodial death of Ajit Mahanta, a military court suspended soldier

Nishant Sharma for one year and imprisoned soldier Sudip Gurung for two months. The army paid 100,000 rupees (approximately \$2,066) in compensation and agreed to pay for the education and basic needs of Ajit Mahanta's two children. The Assam government paid 500,000 rupees (\$10,330) to Mahanta's widow and 300,000 rupees (\$6,198) each to the families of those who died in the firing.

There were no updates following the July 2007 judicial inquiry commission report into 15 custodial deaths in Kerala in 2006. It was not known whether compensation promised by the Kerala home minister had been paid to the families of nine victims.

In July Justice Basant ordered a Central Bureau of Investigation examination into the 2005 custodial death of Udayakumar in Kerala. Authorities had arrested three police constables and charged two with murder and in 2007, a Division Bench of the Kerala High Court directed the CBI to investigate the case. A pending appeal against the High Court's Division Bench order at the Supreme Court of India has prevented the investigation.

Government agencies funded and directed combat operations of former separatist guerrillas who surrendered to the Jammu and Kashmir government and who used their own weapons as part of police auxiliary units. According to NGOs, these units also used children both as soldiers and in logistical and tactical support. There were credible allegations that Naxalites (Maoist militants) in eastern and central parts of the country who surrendered retained their weapons and worked for the police as "anti-People's War Group (PWG) officers" to kill other Naxalites and human rights activists with Maoist links. Police denied the charges, attributing such killings to feuds within the PWG.

On February 5, police fired 30 rounds into a group of Forward Bloc supporters in Dinhatra, killing five persons. On February 11, the West Bengal Chief Minister ordered a judicial probe into the incident, which was pending at year's end.

A magisterial inquiry into the July 2007 killing by members of the Anti-Naxal Special Police Force of five persons at Ammadlu village in Chikmagalur district found that two of those killed were Naxalites, while three were relatives of one of the militants. The inquiry absolved the state police.

Unlawful killings due to societal violence, including vigilante action, continued. For example, in September 2007, villagers in Bihar beat to death a group of 10 suspected robbers. There were no updates in this case during the year. Credible sources estimated that nearly 1,100 persons, including 726 civilians, have been killed by Maoists since 2004.

In November 2007 a key witness in a 1984 anti-Sikh riots case involving senior Congress leader Jagdish Tytler reappeared. A Delhi court ordered the CBI to re-investigate the 1984 case and file a fresh report. The case accused Tytler of encouraging Congress party workers, police, and mobs in Delhi to kill Sikhs and destroy their property in retribution for the assassination of former Prime Minister Indira Gandhi. The case continued at year's end. Additional court action on the 1984 anti-Sikh riots occurred on August 27 when the Delhi High Court sentenced four persons to life imprisonment and imposed a fine of 21,000 rupees (approximately \$477). The court found them guilty of rioting, murder, and conspiracy.

Allegations of witchcraft resulted in several deaths. In June crowds of villagers in Sonitpur district of Assam killed four members of a family for allegations of witchcraft. In October three members of another family were killed in another village in Assam. There were no further developments during the year concerning the 2006 killing in Sonitpur of five family members.

b. Disappearance.—As in the previous year, there were credible reports that police throughout the country failed to file required arrest reports for detained persons, resulting in hundreds of unresolved disappearances. Police usually denied these claims.

While the Government maintained that state government screening committees provided information about the detainees to their families, other sources indicated that families often needed to bribe prison guards to confirm detention of their relatives. The screening committee for Jammu and Kashmir has not met for the past two years, although in 2006 the committee released 140 persons detained under the state Public Safety Act (PSA).

On June 23, the Jammu and Kashmir police exhumed the body of Mohammed Ashraf Shiekh, who disappeared on June 3. Police arrested Reyaz Ahmed Chechi (alias Regan) and Tahir Ahmed Pathan of Shiek Muqam Aloosa. Regan and Pathan alleged that Indian Army troops of the 3rd Jammu and Kashmir Light Infantry Regiment (JAKLI) killed Ashraf in their presence. The case continued at year's end.

There were no developments during the year in the 2006 case filed by Paramjit Kaur Khaira, the widow of human rights activist Jaswant Singh Khaira, against former police chief K.P.S. Gill, or in the case of Ghulam Nabi Mir, who disappeared

in Pulwama, Jammu and Kashmir, after Rashtriya Rifle officers allegedly raided his home.

Despite a special investigatory commission, the Government made little progress during the year in holding hundreds of police and security officials accountable for disappearances committed during the Punjab counterinsurgency and the Delhi anti-Sikh riots of 1984–94. On February 25, the NHRC criticized the Justice Bhalla Commission for its inability to identify 657 victims still unaccounted for during the Punjab counterinsurgency. The Government initially had investigated 2,097 cases of death and cremation during that period.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and generally did not allow for confessions extracted by force to be admissible in court; however, allegations were made that authorities used torture to extort money, as summary punishment, and to obtain confessions. In some instances, these confessions subsequently were used as evidentiary support for a death sentence.

Methods of torture and abuse reportedly included beating; electric shock; denial of food and water; rape; stripping; pins under nails; chili pepper inserted in body cavities; denial of medical treatment; and threats to harm children. Armed groups have used torture methods such as severing of the ears and nose, rape, abduction, and beating.

According to the ACHR, prison authorities and armed forces were the main perpetrators of torture, and the practice was considered routine in police detentions and antiterrorist operations. Alleged reasons for torture included obtaining bribes, extracting information, preventing a complaint that may lead to a criminal inquiry, and compelling confessions.

Because many alleged torture victims died in custody, and other victims were afraid to speak out, there were few firsthand accounts. Marks of what appeared to be torture were found on deceased detainees. Police and jailers allegedly assaulted new prisoners or threatened violence in exchange for money, favors, and personal articles. Although police were subject to prosecution for such offenses, the Government often failed to hold them accountable. According to Amnesty International (AI), torture was “endemic” to the justice system and often used against individuals “on the basis of their caste, religion, socioeconomic, and sexual identity.”

NGOs asserted that custodial torture was common in Tamil Nadu, and credible sources claimed that police stations in Punjab, Andhra Pradesh, Haryana, and Chandigarh used torture to obtain desired testimony. The AHRC claimed that police used torture and assault in Kerala as a means of criminal investigation. According to the AHRC, Gujarat interrogation centers also used torture as part of questioning.

Between February 12 and 16, according to AHRC, officers at the Bally police station in the Howrah district of West Bengal tortured Ajay Yadav Kumar, when they found a body suspected of being Kumar’s missing wife, who disappeared in December 2006. At year’s end Ajay Yadav remained in jail, and the Government had not investigated the case.

On April 3, the Jammu and Kashmir State Human Rights Commission directed the state police to reopen a 2003 rape case of an unnamed victim involving army troops in the Kathua district. There were no developments at year’s end.

Several 2007 cases continued at year’s end. The case against Deganga Police Inspector Julfikaqr Ali Mollah for allegedly burning Giasuddin Mando with acid was reported by the West Bengal Human Rights Commission, and the CID began an investigation. On August 13, the local magistrate ordered Mando released and hospitalized. The 2007 case of Syed Aliin Vadapalani who died in Chennai police custody remained unsolved at year’s end, although the Tamil Nadu government ordered an inquiry into allegations that the death resulted from police torture.

There were no developments in the 2006 torture and death of Saju, a private bus driver. According to the AHRC, police tortured him when he refused to pay a bribe, and he subsequently died in police custody.

On June 11, the NHRC asked the Jammu and Kashmir government to pay 300,000 rupees (approximately \$6,818) in compensation to the next of kin of Banarsi Das Sharma. He and his two sons were arrested in 2000, and Sharma subsequently died. NHRC alleges that Army Intelligence tortured Sharma and requested a report from the state government.

In Jammu and Kashmir, torture victims and relatives reportedly had difficulty opening cases because local police were waiting for permission from higher authorities. Concerns were raised about the Jammu and Kashmir Armed Forces Special Powers Act (AFSPA) of 1990, which states that no “prosecution, suit, or other legal proceeding shall be instituted against any person” without the approval of the central government. The act allows security forces to shoot suspects and destroy struc-

tures suspected of harboring violent separatists or containing weapons. Human rights organizations claimed this provision allowed security forces to act with impunity.

NGOs asserted that rape by police, including custodial rape, was more common than NHRC figures indicated. A higher incidence of abuse appeared credible, given other evidence of abusive behavior by police, and the likelihood that many rapes went unreported due to the victims' shame and fear of retribution. However, legal limits placed on the arrest, search, and police custody of women appeared to reduce the frequency of rape in custody. There were no recent NHRC data available on the extent of custodial rape.

There was a pattern of rape by paramilitary personnel in Jammu and Kashmir and the Northeast as a means of instilling fear among noncombatants in insurgency-affected areas, but these incidents were not included in NHRC statistics, as the NHRC does not have direct investigative authority over the military.

On February 21, Chandigarh police detained two commandos belonging to the Haryana police on charges of rape. Authorities ordered a First Information Report (FIR) registered and a medical examination conducted. The case continued at year's end.

During the year the CBI's Ambala, Haryana, court continued its investigation into the 2007 rape and suicide of a woman, Savita, at the Haryana police headquarters in Panchkula.

Prison and Detention Center Conditions.—Prison conditions were life threatening and did not meet international standards. Prisons were severely overcrowded, and food and medical care were inadequate. On April 16, the Ministry of Home Affairs stated that since 2007, 38,366 cases of human rights violations were registered in prisons throughout the country. A 2006 NHRC report, the latest available, indicated that the country's prisons were overcrowded on average by 38.5 percent, according to each prison's capacity. According to the NHRC report, the country's prisons held 324,852 persons, with an authorized capacity of 234,462.

The legal system was overburdened. On September 7, Chief Justice KG Balakrishnan reported that 610,000 cases were pending in the lower courts, while the Delhi High Court records showed 330,000 pending cases. During the year 48,000 cases were pending in the Supreme Court and 3,800,000 cases were pending in high courts throughout the country. Balakrishnan stated that the country needs at least 5,000 more courts, 1,539 more High Court judges, and 18,479 subordinate court judges to clear the backlog of cases. On September 8, the Dwarka districts courts complex in New Delhi opened with 79 courtrooms and 344 lawyers' chambers to address this issue.

In September 2007 NHRC notified Uttar Pradesh's director general of police (DGP) that the conditions in Mirzapur prison for female inmates were in extremely poor condition and lacked medical facilities. Minor girls were also lodged in the prison instead of government homes for children, in violation of the law. NHRC asked the DGP for a detailed report, which was pending at year's end.

The NHRC requested high court chief justices to resolve the problem of overcrowded prisons. In 2006 the Government introduced a plea bargain option to reduce the pending time of cases in trial courts and overcrowded prisons. The Government set up 1,562 Fast Track Courts during the year, but there was no information on the numbers of cases pending or resolved.

According to the 2006 NHRC report, a large proportion of the deaths in judicial custody were from natural causes such as tuberculosis and HIV/AIDS, which were aggravated by poor prison conditions. The NHRC assigned a special rapporteur to ensure that state prison authorities performed medical checkups on all inmates. Authorities released no information on the number of such deaths.

While local authorities appeared to hide custodial deaths, the NHRC and the courts investigated and prosecuted some perpetrators. While the courts awarded monetary compensation of 17,600–97,000 rupees (approximately \$400–\$2,200) to the next of kin, NGO sources claimed that relatives often had to pay bribes to receive the compensation or never received it at all.

There were no developments in the Maharashtra State Human Rights Commission's investigation into the 2006 allegations that officials in the Arthur Road Jail in Mumbai ignored a prisoner who died after suffering from chest pains.

By law, juveniles must be detained in rehabilitative facilities, although at times they were detained in prison, especially in rural areas. Pretrial detainees were not separated from convicted prisoners.

The Government allowed some NGOs to work in prisons, within specific guidelines, but their findings often remained confidential due to agreements with the Government. Increased press reporting and parliamentary questioning provided evi-

dence of growing public awareness of custodial abuse. The NHRC identified torture and deaths in detention as one of its priority concerns.

According to the Home Ministry, the International Committee of the Red Cross (ICRC) conducted 832 visits since 2005 to 67 detention centers, including all 25 acknowledged detention centers in Jammu and Kashmir and all facilities where Kashmiris were held elsewhere in the country. The ICRC was not authorized to visit interrogation or transit centers, nor did it have regular access to detention centers in the northeastern states. Surprise visits to state prisons by the NHRC were authorized by 2006 amendments to the 1993 Protection of Human Rights Act (PHRA).

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but both occurred during the year. In May 2007, authorities arrested Manipur human rights activist Irom Sharmila on charges of attempted suicide. She has conducted an intermittent six-year hunger strike against the AFSPA and was force-fed in government custody.

On May 29, the NHRC asked the Uttar Pradesh government to pay 50,000 rupees (approximately \$1,136) in compensation to Naveen Upadhyay for illegal detention in 1999. The state government had not submitted the incident report that the NHRC requested by year's end.

Role of the Police and Security Apparatus.—The central government provides guidance and support for the 28 states and seven union territories that have primary responsibility for maintaining law and order. The Ministry for Home Affairs controls most paramilitary forces, the internal intelligence bureaus, and the nationwide police service, and provides training for senior police officers of the state-organized police forces.

Corruption in the police force was pervasive and acknowledged by many government officials. Officers at all levels acted with impunity and were rarely held accountable for illegal actions. When officers were found guilty of a crime, the punishment was often a transfer. Human rights activists and NGOs reported that bribery was often necessary to receive police services.

According to the 2007–08 Ministry of Home Affairs Annual Report, 1,158 complaints of human rights violations were reported between 1994 and 2007 against army and Central Military Forces personnel. Of these, 1,118 were investigated, 1,085 were found false, and 33 were judged as genuine. The military imposed penalties on 62 personnel and, in six cases, awarded compensation. On May 16, the army announced that it had punished 80 personnel for human rights violations in Jammu and Kashmir during the past 19 years. Punishments ranged from dismissal to 10 years' imprisonment.

Arrest and Detention.—The law requires that detainees be informed of the grounds for their arrest, be represented by legal counsel, and, unless held under a preventive detention law, arraigned within 24 hours of arrest, at which time the accused must either be remanded for further investigation or released. However, in practice thousands of criminal suspects were detained without charge, adding to already overcrowded prisons.

The law provides arrested persons the right to be released on bail and prompt access to a lawyer; however, those arrested under special security legislation often received neither. Court approval of a bail application is mandatory if police do not file charges within 60 to 90 days of arrest. In most cases, bail was set between 485 rupees (approximately \$11) and 198,000 rupees (\$4,500).

By law detainees should be provided an attorney and allowed access to family members. In practice this was rarely implemented.

In 2004 the Government repealed the Prevention of Terrorism Act (POTA) and replaced it with the Unlawful Activities Prevention Act (UAPA). The revised UAPA provides broader protection for human rights. For example, coerced confessions are no longer admitted as evidence in court.

The South Asia Human Rights Documentation Centre (SAHRDC) reported that more than 1,000 persons remained in detention under POTA and that cases opened under POTA continued through the judicial system. In December Union Minister Kapil Sibal announced that there were between 90 and 100 POTA cases.

On July 20, the Mumbai High Court reversed a POTA court decision and directed that the credibility of two prime witnesses in the August 2003 terror blasts be examined and the case expedited.

On October 21, the Supreme Court followed the recommendations of the Central POTA Review Committee and directed that 134 persons charged under POTA for the 2002 Godhra (Gujarat) train burning incident be charged under the Penal Code. The court also ordered persons accused under POTA in various states to receive bail if the central POTA review committee has so determined. However, not all state governments had complied as of year's end.

In 2003 the Supreme Court stayed nine high profile cases, including the Godhra train arson case, while it considered transferring the cases outside Gujarat. In March the court instituted a Special Investigation Team (SIT) to reinvestigate these cases. The SIT began its work in May, and in November, arrested 11 individuals allegedly connected with three incidents from 2002 relating to the train burning and resulting communal riots in which 138 persons were killed. Three of those arrested were local leaders of the Bharatiya Janata Party (BJP) and the Vishwa Hindu Parishad (VHP).

The UAPA is used to hold persons without bail for extended periods prior to the filing of formal charges. In 2007 Mumbai police arrested and held under UAPA Arun Ferreira Sridhar Srinivasan (alias Vishnu), Murli Ashok Reddy, and Vernon Gonsalves for allegations of involvement in Naxalite violence. In December 2007 the Mumbai High Court intervened and, citing concerns of possible abuse in police custody, ordered Gonsalves and Srinivasan transferred to a Mumbai jail under the court's jurisdiction. The court also compelled the police to provide medical care to Reddy. As of year's end, trials had not commenced, as prosecutors had not been appointed. The defendants commenced a habeas corpus proceeding in the Mumbai High Court.

The Terrorist and Disruptive Activities (TADA) Act, which was annulled in 1995, curtailed legal protections for cases that were filed under the Act. For example, in TADA courts, defense counsel was not permitted to see prosecution witnesses, and confessions extracted under duress were admissible as evidence. On April 30, the Ministry of Home Affairs reported that 142 persons were in detention under TADA. On October 6, a TADA court in Jalandhar, Punjab acquitted ex-militant Mohinder Singh Titu for a case which was registered 18 years ago under the Penal code and TADA Act.

Maharashtra police utilized preventive arrests to curb public unrest. For example, on August 28, police arrested over 1,000 activists of the Maharashtra Navnirman Sena (MNS) political party after MNS activists damaged some stores.

The National Security Act (NSA) permits police to detain persons considered security risks anywhere in the country, except Jammu and Kashmir, without charge or trial for as long as one year. State governments must confirm the detention order, which is then reviewed by an advisory board of three high court judges within seven weeks of the arrest. Family members and lawyers are allowed to visit NSA detainees, who must be informed of the grounds of their detention within five days (10 to 15 days in exceptional circumstances).

Human rights groups expressed concerns that the NSA would allow authorities to order preventive detention after only a cursory review by an advisory board and that no court would overturn such a decision.

The PSA, which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge and judicial review for up to two years. During this time detainees do not have access to family members or legal counsel. According to press reports, in the past five years, 2,700 Kashmiris had been arrested under the PSA. From January to May, 117 cases of detention under PSA were reported.

The 2005 NHRC set guidelines regarding arrest, which included establishing reasonable belief of guilt; avoiding detention if bail is an option; protecting the dignity of those arrested; refusing public display or parading; and allowing access to a lawyer during interrogation.

In practice police routinely employed arbitrary and incommunicado detention and denied detainees, particularly the destitute, access to lawyers and medical attention to extract confessions. Lower-caste individuals were more likely to be illegally detained than others. The Government appeared to avoid prosecuting security officers by providing financial compensation to victims' families in lieu of punishment. In some instances victims or their families who distrusted the military judicial system petitioned to have their cases transferred to a civil court. The NHRC has no jurisdiction over any courts, including military courts.

In 2006 the Chhattisgarh state government enacted the Special Public Security Act (SPSA), which allows up to three years' detention for loosely defined unlawful activities. NGOs criticized the law for being overly broad. For example, Dr. Binayak Sen, a human rights activist and a leader of the People's Union for Civil Liberties (PUCL), was arrested in May 2007, denied bail in December 2007, and held in solitary confinement for three weeks. His trial began in May and continued at year's end. Concerns were raised that the law criminalizes any support given to Naxalites, even with evidence of duress.

The PUCL filed a petition against the SPSA in the Supreme Court in May, but the court refused to hear the case, ruling that any challenge to a state law must first be brought before the high court of that state. The PUCL petition identified

52 citizens illegally detained under the law. The petition was filed with the state court and was pending at year's end.

The AFSPA remained in effect in Nagaland, Manipur, Assam, and parts of Tripura, and a version of the law was in effect in Jammu and Kashmir. Under AFSPA the Government can declare any state or union territory a "disturbed area." This allows the security forces to fire on any person to "maintain law and order" and to arrest any person "against whom reasonable suspicion exists" without informing the detainee of the grounds. Security forces are also granted immunity from prosecution for acts committed under AFSPA.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision; however, serious problems remained. In Jammu and Kashmir, members of the judiciary were subject to threats and intimidation by insurgents and terrorists.

The judicial system is headed by the Supreme Court, which has jurisdiction over constitutional issues, and includes state high courts, state lower courts, and special tribunals. Lower courts hear criminal and civil cases, and appeals go to state high courts. The President appoints judges, who may serve until the age of 62 on state high courts and 65 on the Supreme Court.

Trial Procedures.—The Criminal Procedure Code provides that trials be conducted publicly, except in proceedings involving official secrets, trials in which statements prejudicial to the safety of the state might be made, or under provisions of special security legislation. Defendants are presumed innocent and can choose their counsel. Sentences must be announced publicly, and there are effective channels for appeal at most levels of the judicial system. The state provides free legal counsel to indigent defendants. The law allows defendants access to relevant government-held evidence in most civil and criminal cases; however, the Government reserved the right to withhold information and did so in cases it considered sensitive.

The Supreme Court continued efforts to find those responsible for the 2002 violence following the train burning in Godhra in which 59 men, women, and children died. In June 2007, after the Supreme Court asked Gujarat police to review the closure of 1,600 complaints from 2002 without investigation, the Gujarat police concluded in January that a majority of these cases could not be reinvestigated due to lack of witnesses. The Supreme Court instituted a Special Investigation Team (SIT) to reinvestigate nine high profile cases. The SIT was scheduled to submit its report to the Supreme Court by the end of the year.

In 2006 Human Rights Watch (HRW) reported that Hindu extremists threatened and intimidated victims, witnesses, and human rights activists attempting to investigate the Gujarat riots. HRW claimed the Gujarat government launched selective tax probes against Islamic organizations to pressure Muslim witnesses to withdraw murder and arson charges. AI's 2007 annual human rights report noted that "justice continued to evade" victims and survivors of the riots. Muslim victims faced difficulty obtaining housing and access to public resources. However, 41 police were being tried for their alleged roles in the violence.

During the year the Gujarat High Court continued to conduct DNA analysis on remains recovered in mass graves discovered in 2005 and 2006 in Kidiad town and near Lunawada town that seemed to be from the 2002 violence. According to government figures, 223 individuals, mainly Muslims, remained missing after the 2002 violence.

In January a Mumbai special court sentenced 11 Hindu rioters and one policeman in the 2002 gang rape of Bilkis Bano and the killing of several members of her family.

Since 1993, central and state governments have jointly funded Fast Track Courts, which concentrate on a specific type of case, allowing judges to develop expertise in a given area. Preference was given to cases pending for extended periods, and fees were generally lower since trials were shorter. Most Fast Track cases were civil.

As in previous years, courts were regularly in session in Jammu and Kashmir. Nevertheless, the judicial system was hindered because of judicial tolerance of abuses committed as part of the Government's counterinsurgency campaign and the frequent refusal by security forces to obey court orders.

Due in part to intimidation by insurgents and terrorists, courts in Jammu and Kashmir often were reluctant to hear cases involving insurgent and terrorist crimes and failed to act expeditiously, if at all, on habeas corpus cases.

Political Prisoners and Detainees.—Political prisoners were reported in Jammu and Kashmir, and the Government temporarily detained hundreds of persons characterized as terrorists, insurgents, and separatists. The All Parties Hurriyat Conference (APHC) estimated the number of political prisoners at 500, while human rights activists based in the state identified 150 such prisoners.

On August 26, leaders of the APMC and the Jammu and Kashmir Liberation Front were among 100 activists arrested and released in connection with the Amarnath shrine controversy and subsequent protests, except for Shabir Shah and Asiya Andrabi, who were detained under the PSA.

The Government permitted international humanitarian organizations, such as the ICRC, access to such persons on a regular basis.

There was no update in the 2007 case of 34 Burmese nationals who spent nine years in detention for allegedly being members of the National United Party of Arakan and Karen National Union. The trial continued at year's end.

Civil Judicial Procedures and Remedies.—There are different personal status laws for the various minority religious communities, and the legal system accommodates religion-specific laws in matters of marriage, divorce, adoption, and inheritance. Muslim personal status law governs many noncriminal matters, including family law and inheritance.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice; however, at times the authorities infringed upon the right to privacy. Police must obtain warrants to conduct searches and seizures, except in cases where such actions would cause undue delay. Police must justify such warrantless searches in writing to the nearest magistrate with jurisdiction over the offense. In Jammu and Kashmir, Punjab, and Manipur, authorities have special powers to search and arrest without a warrant.

On July 6, Jammu residents accused the Rapid Action Force (RAF) of using excessive force and illegal entry into their homes during a peaceful protest. No action was taken on the allegations by year's end.

The Information Technology Act allows police under certain circumstances to search premises and arrest individuals without a warrant. The act specifies a one-year sentence for persons who fail to provide information to the Government on request and a five-year sentence for transmitting "lascivious" material.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail in cases of public emergency or "in the interest of the public safety or tranquility." The central government and state governments used these surveillance techniques during the year.

Although the Telegraph Act gives police the power to intercept telephonic conversations, such evidence is inadmissible in court. The UAPA allows use of evidence obtained from intercepted communications in terrorist cases. While legal safeguards to prevent police from encroaching on personal privacy existed, there were no such protections in terrorist cases.

Laws favoring families that have no more than two children remained in place in seven states. The laws, lightly enforced, provide government jobs and subsidies to those who have no more than two children and reduced subsidies and access to health care for those who have more than two. National health officials noted that the central government was unable to regulate state decisions on population issues.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Terrorist and insurgent groups killed members of rival factions, government security forces, government officials, and civilians in Jammu and Kashmir, several northeastern states, and in the Naxalite belt in the eastern part of the country.

Killings.—Security forces allegedly staged encounter killings to cover up the deaths of captured non-Kashmiri insurgents and terrorists from Pakistan or other countries. Human rights groups claimed that police officials refused to turn over bodies in cases of suspected staged encounters. The bodies were often cremated before their families could view them. Most police stations failed to comply with a 2002 Supreme Court order requiring the central government and local authorities to conduct regular checks on police stations to monitor custodial violence.

According to human rights groups, security forces in Jammu and Kashmir targeted suspected terrorists, insurgents, and their supporters, but there were no widely accepted data on the magnitude of extrajudicial killings and custodial deaths. The Justice Mahajan Lal Kaul Commission of Inquiry, which investigated alleged custodial killings and encounters in Jammu and Kashmir, received only five complaints and was extended by two months on April 10. The commission asked for another extension, as it had not been able to complete its investigations.

On March 25, the Jammu and Kashmir Police stated that civilian deaths by terrorists had declined by 50 percent. The security forces often claimed that insurgents or civilians died in crossfire. According to the South Asia Terrorism Portal (SATP) in 2007, 164 civilians, 121 security force personnel, and 492 terrorists were killed

as a result of terrorist violence. According to local NGOs based in Jammu and Kashmir, 124 security forces and 233 militants were killed through August. According to media reports, two civilians were killed by security forces during the year.

Human rights groups maintained that, in Jammu and Kashmir and in the northeastern states, the military and paramilitary forces continued to hold numerous persons. Human rights activists feared that many of these unacknowledged prisoners were subjected to torture and that some may have been killed.

Civilians were reportedly killed in crossfire in Jammu and Kashmir during the year. According to JKCSS based in Jammu and Kashmir, 55 persons were killed and 1,500 injured in a mass uprising in the state during the year. After an October 9 hearing into the 2006 deaths of four youths, the army expressed regret and offered to compensate the victims' families.

On May 13, eight blasts took place in Jaipur, Rajasthan, killing 80 and injuring 150. Authorities suspected that the Students Islamic Movement of India (SIMI) was responsible. On July 26, 17 blasts took place in different parts of Ahmedabad, Gujarat, killing 53 persons and injuring 145. The SIMI was suspected in the attack.

On July 25, eight low intensity blasts killed one person and injured seven in Bangalore. The organization behind the blasts was not identified.

On September 13, five synchronized bombs exploded throughout New Delhi, killing 30 persons and injuring over 100 persons. The Islamist "Indian Mujahideen" claimed responsibility in an email to major television channels. Police arrested several suspects.

From November 26 to 29, 10 terrorists carried out coordinated attacks across Mumbai, targeting luxury hotels, restaurants, the railway station, a hospital, and the Nariman House. The attackers killed 173 persons and injured at least 308 persons. Mohammed Ajmal Amir Kasab, the only terrorist captured alive, disclosed that the attackers belong to LeT. Investigations continued at year's end.

In the Northeast, violence persisted despite talks between separatist groups and state government officials and a 1997 government ceasefire. In August 2007 the Government and the National Socialist Council of Nagaland Isak-Muivah (NSCN-IM) extended the ceasefire indefinitely. Factional violence between the NSCN-IM and the National Socialist Council of Nagaland Khaplang (NSCN-K) resulted in numerous deaths. The Institute for Conflict Management indicated that of the 108 persons killed in 2007, 88 died due to intrafactional fighting. In April the central government extended the ceasefire with the NSCN-K for one year.

During the year SATP reported 373 deaths related to insurgency in Assam, where the United Liberation Front of Asom (ULFA) continued its violent campaign against Hindi-speakers from the northern part of the country. In 2007 ULFA militants killed more than 110 persons in bomb attacks in the Dibrugarh, Tinsukia, and Sivasagar districts of Assam.

SATP reported the following deaths as a result of insurgency-related violence in the seven northeast states during the year: 402 civilians, 36 security forces, and 599 militants. For Jammu and Kashmir, SATP reported that 69 civilians, 90 security forces, and 382 militants were killed.

There was no progress in the complaint filed by family members in the August 2007 killing of Md. Ramesh and Md. Isir by the Assam Rifles (AR). The AR claimed the dead were members of the People's United Liberation Front; the victims' families denied this.

In February Maoist attacks in Nayagarh and Daspalla in Orissa killed 15 persons. On June 29, the Maoists killed 33 special forces of the Andhra Pradesh police in the Malkangiri district of Orissa. On July 9, Maoists killed a former minister and sitting legislator, Ramesh Singh Mundu. The attack also killed three bodyguards and one student. On July 16, Maoist insurgents killed at least 21 persons, including 17 policemen, in the Malkangiri district of Orissa. In August Chhattisgarh police raided a Naxalite camp and killed four Maoists in two incidents in Dantewara district.

On March 12, four persons were killed and four injured when police opened fire in Bengtoli in Assam to combat what the police claimed was a camp set up by the militant group National Democratic Front of Bodoland (NDFB). On March 13, police killed three persons and injured 10 who were protesting the dismantling of the NDFB camp.

On March 15, the United National Liberation Front (UNLF) attacked an AR post at T. Minnou village near the Burma border. While the UNLF claimed to have killed 10 soldiers, the AR stated that one trooper died and four others were wounded. The AR claimed soldiers killed two militants and wounded five others. On May 1, two AR personnel were killed and four others injured in the New Somtal area of Chandel district.

In March and June, many encounters between ULFA and security forces occurred. For example, on March 15, four persons died and 54 others were injured when suspected ULFA militants set off a grenade in Jonai, Dhemaji. On June 10, security forces killed three ULFA militants during an encounter in the Dibrugarh district. On June 14, ULFA militant Prabin Gogoi was killed in Dibrugarh district of Assam.

According to the Home Affairs Annual Report, 76 districts in the nine states of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Orissa, Maharashtra, Madhya Pradesh, Uttar Pradesh, and West Bengal were affected by Naxalite violence.

In 2005 officials in Chhattisgarh organized the Salwa Judum movement to counter Naxalite groups in Dantewada district. The Naxalite response resulted in violent civil conflict and a large number of civilian deaths. Many villagers fled to makeshift refugee camps near towns. The Chhattisgarh government commissioned some Salwa Judum members in the camps as Special Police Officers (SPOs) and used them in anti-Naxalite operations. The Peoples Union for Civil Liberties (PUCL) and HRW claimed that the Salwa Judum had become part of a state-sponsored counterinsurgency effort that committed atrocities against the tribal persons of southern Chhattisgarh, including killing, arson, rape, assaults, and forcing villagers from their homes into internally displaced persons (IDP) camps. In April the Supreme Court ordered the NHRC to investigate the Salwa Judum. In October the NHRC found some allegations false, could not confirm other allegations, and concluded that many abuses, including extrajudicial killings, could not be specifically attributed to Salwa Judum, SPOs, state security forces, or Naxalites and called for further investigation.

In 2007 the SATP found 619 deaths related to Naxalite attacks on internally displaced persons (IDP) camps, government installations, police patrols, and remote villages, and in police-Naxalite skirmishes. Of the 336 individuals killed in Chhattisgarh, 93 were civilians, 170 were police personnel (regular forces, as well as SOPs), and 73 were alleged Naxalites. According to the Andhra Pradesh police, incidents of Maoist violence declined 42 percent in 2007. Maoists killed 211 civilians in 2005, 40 in 2007, and 26 through August. Police operations resulted in the death of 124 Maoists in 2005, 43 in 2007, and 25 through August.

On February 8, the Kolkata High Court directed the West Bengal state government to provide compensation to the victims of the Nandigram violence, which included 14 persons killed and 45 injured by police. In November 2007, Communist Party Marxist (CPM) members, whom human rights groups claimed had state government support, conducted a violent campaign to regain control over the Nandigram area from the Bhumi Uchhed Protirodh Committee (BUPC). News reports and eyewitness accounts noted that CPM cadres fired on BUPC supporters and local villagers, raped villagers, and burned houses. Journalists later discovered mass graves in the area. The CID responded by launching an inquiry into the identity of the bodies; the case was pending at year's end.

Abductions.—Human rights groups maintained that, in Jammu and Kashmir and in the northeastern states, numerous persons continued to be held by military and paramilitary forces. Human rights activists feared that many of these unacknowledged prisoners were tortured and that some may have been killed.

There were no reliable figures for disappearances in Jammu and Kashmir during the year. While the Association of Parents of Disappeared Persons (APDP) and other NGOs reported a decrease in disappearances, estimates on the number of disappearances varied widely. For example, the Jammu and Kashmir government stated in 2003 that 3,931 persons had disappeared since 1990, compared with an APDP estimate of between 8,000 to 10,000 persons. ACHR reported in 2005 that more than 6,000 cases of disappearances remained unresolved in the state. According to JKCCS, based in Jammu and Kashmir, 38 cases of disappearances were reported during the year. In May the Chief Minister reported that there had been no cases of custodial disappearances in the state in the past two years.

On July 6, the People's Revolutionary Party of Kangleipak (PREPAK) reported that it abducted and then released two boys from their neighborhood in the Imphal West district. On July 8, PREPAK reportedly abducted two other schoolchildren in the Thoubal district and claimed the children had voluntarily joined PREPAK.

On December 31, the United Liberation Front of Barak Valley insurgents along the Assam-Mizoram border kidnapped three persons, including the son of a Congress Party leader, and demanded a ransom of approximately 1,000,000 rupees (approximately \$25,000).

Physical Abuse.—Raj Thackeray, Chief of the Maharashtra Navnirman Sena (MNS), repeatedly verbally attacked north Indians settled in Maharashtra. On February 3, MNS members assaulted and injured 10 persons attending a rally in Mumbai. Attacks by MNS members continued over the next several days in

Mumbai, Pune, and Nasik. While the police did not stop the attacks, they later arrested over 60 MNS members and ordered a probe into Thackeray's remarks. MNS activists were alleged to have threatened north Indians in Nasik and Pune, causing many laborers to flee the state. MNS activists allegedly hit one person with stones, who later died of his injuries. Police charged Thackeray with inciting the violence, and twice briefly arrested him. On February 22, the Supreme Court condemned Thackeray's inflammatory remarks against north Indians. The investigation of the February incidents continued at year's end.

In October MNS activists assaulted and injured dozens of north Indian candidates who came to Mumbai for an Indian Railways recruitment examination, preventing many from taking the exam. Mumbai police arrested Thackeray for instigating the violence, and MNS members rioted and caused considerable damage. Police arrested more than 2,000 rioters. Multiple cases continued against Thackeray in various Mumbai courts and in the Jharkhand High Court at year's end. He and most MNS activists arrested in October remained out on bail.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and expression; however, freedom of the press is not explicitly mentioned. The Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Under the 1923 Official Secrets Act, the Government may prosecute any person who publishes or communicates information that could be harmful to the state. However, no such cases were reported during the year.

The Press Council is a statutory body of journalists, publishers, academics, and politicians, with a government-appointed chairman, that investigates what it believes is irresponsible journalism and sets a code of conduct for publishers. This code includes injunctions against publishing stories that might incite caste or communal violence. The council publicly criticized those it believed had broken the code of conduct.

Independent newspapers and magazines regularly published and television channels broadcast investigative reports, including allegations of government wrongdoing, and the press generally promoted human rights and criticized perceived government lapses. Most print media and 80 percent of television channels were privately owned.

After filmmaker Ajay TG was arrested in May under the SPSA and held for two months with no charges filed, journalists in Raipur reportedly feared being arrested and were reluctant to report critically on the state's actions to address the Naxalite problem. The PUCL identified TG and 53 others arrested under the Chhattisgarh Special Public Security Act in its petition challenging the law.

With the exception of radio, foreign media generally were allowed to operate freely. Private satellite television distributed widely provided competition for Doordarshan, the government-owned television network. While there were allegations that the Government network manipulated the news, some privately owned satellite channels often promoted the platforms of political parties their owners supported. On September 19, the Union Indian Cabinet approved foreign news magazines to print local editions of their publications. Previously only scientific, technical, and specialty periodicals were allowed to be printed by foreign magazines.

The Government often held foreign satellite broadcasters, rather than domestic cable operators, liable under civil law for what it deemed objectionable content on satellite channels—notably, tobacco and alcohol advertisements and adult content.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legal, but licenses only authorized entertainment and educational content. Local editions of foreign press were prohibited; however, the Government allowed country-specific editions published by a local company, with no more than a 26 percent foreign partnership.

The authorities generally allowed foreign journalists to travel freely, including in Jammu and Kashmir, where they regularly met with separatist leaders and filed reports on a range of issues, including government abuses.

In Jammu and Kashmir, the Newspapers Incitements to Offenses Act allows a district magistrate to prohibit publication of material likely to incite violence. Newspapers in Srinagar were able to report in detail on alleged human rights abuses by the Government, and separatist Kashmiri groups regularly published press releases. However, due to the threat of violence by terrorist groups, many journalists self-censored their articles. Smaller media outlets also self-censored for fear of losing state government advertising revenue.

On August 3, the Jammu District Magistrate prohibited the transmission of JK channel and Take-1 news channel for violating the Cable Television Networks (Regulation) Act 1995 during the Amarnath shrine dispute. The order was revoked, and transmission resumed of what many observers felt was coverage aimed at inciting communal hatred.

On August 24, security personnel belonging to the Central Reserve Police Force (CRPF) beat 13 media personnel and damaged their vehicles in Srinagar. The following day, the security personnel beat six more journalists, and local television channels remained off the air in protest. Local English and Urdu dailies also protested by not publishing on August 25. During this period the local government banned cellular phone text messaging service for fear of its role in inciting communal tension. The authorities also took off the air from August 24 to September 2 local television channels in Jammu and Kashmir for broadcasting protests.

There were several attacks against journalists for allegedly inciting attacks. These included an August 25 attack by CRPF soldiers against Asif Qureshi of Star News at Hyderpora, Jammu and Kashmir, and an August 29 attack by army soldiers against Hakeem Irfan, a correspondent with Rising Kashmir.

In August the Kangleipak Communist Party (Military Council)'s L. Khuman faction in Manipur imposed a ban on the newspaper Poknapham after it failed to publish a story on the front page. On August 5, Manipur media called a strike in sympathy with the newspaper.

Some attacks on the media were apparently intended to harass or inhibit the free expression of opinions. On January 20, Hindu Samrajay Sena members attacked the office of NDTV in Bhopal, Madhya Pradesh, to protest the television channel's broadcast in support of a state award for controversial painter M.F. Hussein.

On April 2, activists of the Hindu Garjana Pratishthan damaged the Communist Party of India (Marxist) (CPI(M)) office in Pune and assaulted three party workers. Police detained and released 12 persons but issued no formal charges. In June the MTV office in Mumbai was vandalized for an allegedly negative portrayal of a Sikh in a publicity campaign. On June 5, Shiv Sangram Sena activists damaged the house of Mumbai journalist Kumar Ketkar to protest an article written by him. Police registered a complaint and arrested the alleged attackers.

On October 16, the Jammu and Kashmir State Human Rights Commission (SHRC) responded to the 2007 attack and torture of Naseer Ahmad Khora, a journalist and human rights activist, by directing the state administration to pay 70,000 rupees (approximately \$1,489) in compensation. The SHRC noted that such acts pose a threat to the freedoms of press and expression.

There were no developments stemming from the May 2007 fire that killed three persons at the Dinakaran newspaper office in Madurai. Police were present but did not stop a faction of Tamil Nadu's ruling party from entering the compound.

There were no developments from the August 2007 assault allegedly by CPI(M) workers against three journalists of the Malayala Manorama Group during a demonstration at Kannur.

There were no developments in the 2006 killing of Arun Narayan Dekate, a rural correspondent for Marathi daily Tarun Bharat.

The Government maintained a list of banned books that may not be imported or sold in the country for fear of aggravating communal tensions. In July religious and opposition party members accused the ruling CPI(M) government in Kerala of promoting communist ideology in seventh grade social science books.

On November 13, the Maharashtra government banned the showing of the film Deshdrohi due to police concerns it might incite violence between North Indians and ethnic Marathis. The Film Censor Board had cleared the movie for distribution throughout the country.

In 2007 three legislators of the All India Majlis-e-Ittehadul Muslimeen in Hyderabad attacked Bangladeshi writer Taslima Nasreen for alleged anti-Muslim remarks. In November she self-censored her autobiography after a series of protests in West Bengal in which 43 persons were injured. She was granted asylum in New Delhi, but she left the country for Sweden. She briefly returned to the country but was not allowed to visit Kolkata, and left the country in October.

In 2006 the Government of Rajasthan banned Haqeeqat (Reality), a Hindi translation of a controversial anti-Hindu book by Kerala-based evangelist M.G. Mathew.

The Government's Film Censor Board reviewed films before licensing them for distribution, censoring material it deemed offensive to public morals or communal sentiment.

Internet Freedom.—The Information Technology Act provides for censoring the Internet on public morality grounds and defines "unauthorized access to certain types of electronic information" as a crime. The Government retained the right to

limit access to the Internet, specifically information deemed detrimental to national security. The act requires Internet cafes to monitor Internet use and inform the authorities of offenses.

Academic Freedom and Cultural Events.—The Government continued to apply restrictions to the travel and activities of visiting experts and scholars. During the year the Ministry of Home Affairs denied visas to three scholars. In 2003 the Ministry of Human Resources Development (MHRD) passed academic guidelines requiring all central universities to obtain HRD permission before organizing “all forms of foreign collaborations and other international academic exchange activities,” including seminars, conferences, workshops, guest lectures, and research. While the restrictions remained in force, in most cases, the MHRD permitted the international academic exchanges to take place after bureaucratic delays.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected this right in practice.

Freedom of Assembly.—The authorities normally required permits and notification prior to holding parades or demonstrations, and local governments ordinarily respected the right to protest peacefully, except in Jammu and Kashmir, where the local government sometimes denied permits to separatist parties for public gatherings and detained separatists engaged in peaceful protest. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

On some occasions, security forces either claimed harsh tactics were warranted or failed to protect demonstrators from violence during demonstrations. On February 6, during a strike, police killed five activists from the All India Forward Bloc party and injured 25 in Dinhata, West Bengal.

In May 41 persons were killed in clashes between the police and members of the Gujjar tribe in Rajasthan. Twenty-six persons were killed in similar clashes in 2007. A six-member team from the NHRC visited the state to investigate.

According to media reports, on August 11, security forces killed five persons, including Hurriyat Party leader Shiekh Abdul Aziz, and injured 230 when security forces opened fire during a protest in Kashmir. On August 12, security forces killed an additional 15 persons across Jammu and Kashmir during additional protests. Media and NGOs reported that on August 25, 59 persons were killed and 200 injured when the CRPF and the army fired upon protesters who defied curfew and staged demonstrations in Jammu and Kashmir. No official figures were available at year's end.

On August 13, police killed two persons and injured 45 in Noida, Uttar Pradesh, during a demonstration.

In 2007 Andhra Pradesh police shot and killed six villagers in Mudigonda in the Khammam district after a two-month protest demanding free land for the poor. The Government announced compensation of 491,000 rupees (approximately \$12,500) and a government job for one family member of each person killed, as well as two acres of agricultural land and education for victims' children.

Freedom of Association.—The law provides for the freedom of association, and the Government generally respected this right in practice.

NGOs must secure approval from the Ministry of Home Affairs before organizing international conferences. Human rights groups contended that this provided the Government with political control over the work of NGOs and restricted their freedom of assembly and association. NGOs alleged that some members from abroad were denied visas arbitrarily.

c. Freedom of Religion.—The law provides for secular government and the protection of religious freedom, and the central government generally respected these provisions in practice. While the law generally provides remedy for violations of religious freedom, it was not enforced rigorously or effectively in many cases of religiously oriented violence. Some Hindu hardliners interpreted ineffective investigation and prosecution of their attacks on religious minorities, particularly at the state and local levels, as evidence that they could commit such violence with impunity. The country's federal political system accords state governments exclusive jurisdiction over maintenance of law and order, which limits the national government's capacity to deal directly with state-level abuses, including abuses of religious freedom.

Legally mandated benefits were assigned to certain groups, including some defined by their religion. For example, the Government allowed educational institutions administered by minority religions to reserve seats for their coreligionists even when they received government funding. Article 17 of the constitution outlawed untouchability; however, members of lower castes remained in a disadvantageous posi-

tion. A quota system reserved government jobs and places in higher education institutions for Scheduled Castes (SC) and Scheduled Tribes (ST) members belonging to the Hindu, Sikh, and Buddhist religious groups, but not for Christians or Muslims. Christian groups filed a court case demanding that SC converts to Christianity and Islam enjoy the same access to "reservations" as other SC groups. The case was appealed to the Supreme Court, which had not ruled by the end of the reporting period.

The Religious Institutions (Prevention of Misuse) Act of 1988 criminalizes the use of all religious sites for political purposes or the use of temples to harbor persons accused or convicted of crimes. The Religious Buildings and Places Act requires a state government permit before construction of any religious building. The act's supporters claimed that its aim is to curb the use of Muslim institutions by Islamist extremist groups, but the measure became a controversial political issue among Muslims.

The states of Gujarat, Himachal Pradesh, Chhattisgarh, Madhya Pradesh, and Orissa have laws against conversion by force, enticement, or coercion. Arunachal Pradesh has a similar law that has not been implemented. On March 20, the Government of Rajasthan passed a law that restricts and regulates religious proselytism. On April 1, the state of Gujarat published the rules and regulations necessary to activate its "Freedom of Religion Law," which was adopted by the legislature in 2003.

In May 2007 the Andhra Pradesh government enacted a law that sharply limits the "propagation of other religion in places of worship or prayer." The law forbids the distribution of literature of one religion within the vicinity of designated places of worship of a different religion. The Andhra Pradesh assembly passed an act modeled on this ordinance in July 2007.

Faith-based NGOs and media reported that under the Penal Code, the Criminal Procedure Code, and state anti-conversion laws, there were 17 arrests in Andhra Pradesh, six in Chhattisgarh, 25 in Madhya Pradesh, and two in Uttar Pradesh through October 14. In most cases police released on bail those arrested after a night in jail. Faith-based NGOs alleged that this was a systematic strategy to discourage Christian prayer meetings.

There is no national law barring a person from professing or propagating his or her religious beliefs; however, the law prohibits international visitors on tourist visas from engaging in religious proselytizing without prior permission from the Ministry of Home Affairs. Travel by any foreigner to some of the northeastern states is granted on a case-by-case basis due to political instability and security concerns in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA) of 1976, which restricts funding from abroad. The Government can ban a religious organization that violates the FCRA, provokes intercommunity friction, or has been involved in terrorism or sedition.

The legal system accommodates minority religions' personal status laws by providing for different personal laws for different religious communities. Religion-specific laws are paramount in matters of marriage, divorce, adoption, and inheritance. The personal status laws of the religious communities sometimes discriminated against women.

The law limits inheritance, alimony payments, and property ownership of persons from interfaith marriages and prohibits the use of churches to celebrate marriage ceremonies in which one party is a non-Christian. Clergymen who break the law could face up to 10 years' imprisonment. However, the act does not bar interfaith marriages.

Two significant episodes of communal violence erupted in the Kandhamal district of Orissa, on Christmas Day 2007 and again in August 2008. The December 2007 violence was triggered by desecration of Christmas holiday displays and an attempt on the life of Hindu religious leader Laxmanananda Saraswati. Five persons were killed and a number of homes, businesses, and churches were damaged.

On August 23, unidentified individuals killed Laxmanananda Saraswati and four other religious leaders. Their deaths caused revenge killings, assaults, and property destruction in the district, with a few incidents located in surrounding districts. According to government statistics, 40 persons died and 134 were injured, including tribal Kandhas and ethnic Panas, Christians, and Hindus, although more than 80 percent of the attacks were against Christians. Property disputes and social tensions also played a role in the violence. The extent of the violence attracted worldwide media attention, including the alleged August 25 rape of a Christian nun.

The majority of attacks occurred within the first week of violence when local police were unable to control the situation. Attacks continued until mid-October. The police arrested more than 1,200 persons and opened almost 1,000 criminal cases, although the killers of the Hindu religious leaders had not been identified by year's

end. An estimated 9,500 individuals remained in temporary camps in Kandhamal and Gajapati at year's end, wary of returning. Government sources calculated that at least 4,215 houses had been damaged or destroyed and that potentially 252 prayer halls and religious places had been damaged. The Government allocated funds to compensate next of kin and repair damaged houses, businesses, and places of worship. A government commission was established to investigate the killing of Laxmanananda and the resulting violence.

On September 14 and 15, militant Hindu activists attacked Christian churches in and around Mangalore in Karnataka. Three Christians were critically injured and more than a dozen others were assaulted. Mahendra Kumar, the local leader of the Hindu Bajrang Dal organization, claimed responsibility, stating the attacks were in response to "forced conversions" and insults towards Hindu deities. Media and Christian groups reported that some police refused to intervene to protect Christians and suppress the violence. There were also reports that police entered and damaged at least three churches. The central government threatened to invoke emergency provisions if the state government failed to take action. On September 18, police arrested Kumar, which sparked additional vandalism against churches in the state. While the state government increased security around churches, occasional acts of vandalism against churches and assaults on persons occurred sporadically in Karnataka. The state initiated a judicial inquiry into the September 14–15 attacks, which continued at year's end.

On July 3, Hindus and Muslims clashed in Indore, Madhya Pradesh when protests called by Hindu nationalist parties BJP and VHP turned violent. The parties called the protests in response to the Government's revocation of its decision to transfer land in the Muslim-occupied area of Kashmir to the Amarnath Shrine, a Hindu religious site.

On August 6, the Supreme Court extended the ban on the Students Islamic Movement of India (SIMI) for six weeks. The Delhi High Court had removed the ban after an appeal by SIMI.

On August 15, MNS activists damaged a school in Pune for allegedly failing to celebrate Independence Day. In August MNS activists damaged several shop fronts in Mumbai for not having signs in the local language, Marathi. In both these incidents, the police arrested MNS activists for vandalism.

On April 16, the Ministry of Home Affairs testified to the parliament that 4,356 victims' claims connected to the 1984 anti-Sikh riots following the assassination of former Prime Minister Indira Gandhi were pending with the various state governments. So far, 27,916 claims had been settled. On August 27, the Delhi High Court sentenced four persons to life imprisonment for their involvement in the 1984 anti-Sikh riots. A fine of 21,000 rupees (approximately \$477) was imposed on Lal Bahadur, Ram Lal, Virender, and Surinder Pal Singh after finding them guilty of rioting, murder, and conspiracy. The verdict came 18 years after a trial court acquitted the four due to lack of evidence.

On October 5, 10 persons were killed, 383 persons injured, 1,157 homes damaged, and 400 homes destroyed during Hindu-Muslim violence in Dhule, Maharashtra.

At year's end Harkat-ul-Jehad-i-Islami activist Mohammed Abdul Sahed (alias Bilal) remained the key suspect in the May 2007 bomb explosion in the Mecca Masjid in Hyderabad, which killed nine persons and injured more than 50.

Two Catholic nuns, arrested in July 2007 in Mayurbhanj, Orissa, for allegedly forcibly converting and torturing students in their school, were released on bail days after their arrest.

On July 8, a special riot court in Mumbai sentenced Madhukar Sarpotdar, Shiv Sena leader and former member of parliament, to one year in prison in connection with the 1993 Mumbai riots. The court sentenced two others to similar punishments and a fine of 5,000 rupees (approximately \$113).

In May the central government announced (approximately \$80 million) in compensation for victims of the 2002 post-Godhra riots in Gujarat. Approximately 1000 relatives of those killed have received compensation, but property loss claims had not been paid by year's end.

On September 18, the Gujarat state-organized Nanavati-Mehta Commission published the first part of its report on the February 2002 Godhra train burning and subsequent violence that killed more than one thousand persons, the majority of whom were Muslims. The commission differed from other investigations in both exonerating Chief Minister Narendra Modi for instigating anti-Muslim violence and finding the Godhra incident to be premeditated and not accidental. The Government of Gujarat granted a one-year extension, to December 31, 2009, to the commission.

Societal Abuses and Discrimination.—On May 9, the Ministry of Home Affairs testified to the parliament that 761 cases of communal violence occurred in 2007, in

which 77 persons were killed and 2,227 were injured. These attacks occurred against several different communities including Christian, Hindu, and Muslim.

According to the NCRB, 75,027 persons were arrested for atrocities against STs and SCs in 2006 and 2007. In 2007, 35,563 incidents were reported against STs and SCs. In 2007 the average conviction rate for SCs was 27.6 percent and for STs, 28 percent. In 2006 the Ministry, citing NCRB records, found that 13,449 persons faced conviction for crimes against persons belonging to the SC/STs. The NCRB had not released updated conviction rates by year's end.

Several human rights and religious freedom NGOs continued to express concern over anti-Christian violence in several states governed by the BJP and claimed that some attackers had affiliations with the Hindu extremist group Rashtriya Swayamsevak Sangh (RSS).

During October 3–6, communal violence broke out between migrant Muslim settlers and Bodos, killing 47 persons and leaving 86,000 persons homeless in two districts in Assam. Twenty-two persons were killed by police fire.

NGOs reported that attacks against Christians occurred in many urban areas. On September 5, two nuns and children in their care were removed from a train in Chhattisgarh by alleged VHP and Bajrang Dal activists, who claimed that the nuns were forcibly converting the orphans. All were released after the local bishop interceded and spoke to the governor.

In April a lawsuit seeking compensation for Muslim youths who were allegedly tortured by police was filed in Hyderabad city civil court. Police detained a youth on suspicion of involvement in the 2007 Hyderabad attacks. Hyderabad-based Muslim organizations alleged that police detained innocent Muslim youths to link them to terrorist activities in the state.

Muslims in some Hindu-dominated areas continued to experience intimidation and reported poor government attention to their concerns, resulting in a lack of access to work, residency, or education. In some areas, primarily in Gujarat, Hindutva groups displayed signs stating "Hindus only" and "Muslim-free area." Hindutva is the ideology that espouses politicized inculcation of Hindu religious and cultural norms above other religious norms. There were also allegations of prohibitions on the Muslim call to prayer.

Hindu organizations frequently alleged that Christian missionaries forced or lured Hindus, particularly those of lower castes, to convert to Christianity. In Christian majority areas, Christians reportedly harassed members of other communities.

From April to July, Hindu groups such as the Hindu Aikya Vedi organized violent marches against Christian organizations and churches in Kerala. In April in Thiruvalla, Pathanamthitta District, marchers threw stones at Christian buildings and in July, protesters prevented Christians in Kottayam from meeting by throwing stones. No serious injuries were reported.

Hearings in the 2007 Rizwanur Rehman killing case continued at Kolkata High Court. The body of Rehman, a Muslim who had married the daughter of a Hindu businessman, was discovered in 2007. While a CBI report had indicated "suicide prompted by circumstances" was the cause of death, on October 1, three officers of the Kolkata City Police were among seven persons charged by the CBI and sent to judicial custody for Rehman's death. On October 28, the CBI raided the house of Ashok Todi, father-in-law of Rehman. In December police arrested Todi and his brother.

Most Indian Jews emigrated to Israel in 1948. There are believed to be only 13 Indian-born Jews from seven families still living in Kochi and approximately 40 Jews living in Delhi. Small but active communities remain in Mumbai, estimated at around 1,500. Most Mumbai Jews are known as Baghdadi Jews who came from Iraq, Iran, Syria, and Afghanistan possibly 250 years ago. In Northeastern India, an estimated 9,000 Indians started practicing Judaism in the 1970s, saying they were a lost tribe and descendants of the tribe of Manasseh. In recent years over 1,400 members of the community emigrated to Israel. During the November 26 attacks in Mumbai, terrorists allegedly belonging to LeT attacked the Jewish Chabad-Lubavitch center located at the Nariman House, as part of several coordinated attacks on high profile civilian targets in the city. The attackers killed six Jewish persons of United States, Israeli, and Mexican nationality before being killed by security forces.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement, and the Government generally respected this in practice; however, in certain border areas the Government required special permits.

Security forces often searched and questioned occupants at vehicle checkpoints, mostly in troubled areas in the Kashmir Valley or after major terrorist attacks. The Government also completed construction (except in areas of difficult terrain) of a 330-mile security fence along the Line of Control in Jammu and Kashmir, causing difficulties as it cut through some villages and agricultural lands. The Government asserted that a decline in insurgent crossings during the year was due in part to the fence.

Under the Passports Act of 1967, the Government may deny a passport to any applicant who may engage in activities outside of the country “prejudicial to the sovereignty and integrity of the nation.” The Government prohibited foreign travel by some government critics, especially those advocating Sikh independence, and members of the separatist movement in Jammu and Kashmir.

Unlike in previous years, there were no reports of the Government using the issuance of passports or travel documents to restrict travel of separatist leaders in Jammu and Kashmir. However, citizens from Jammu and Kashmir continued to face extended delays, often up to two years, before the Ministry of External Affairs would issue or renew their passports. Government officials demanded bribes for applicants from Jammu and Kashmir who required special clearances. Applicants born in Jammu and Kashmir—even the children of serving military officers born during their parents’ deployment in the state—were subjected to additional scrutiny, requests for bribes, and police clearances prior to passport issuance.

There was no law banning forced exile and no reports of its use during the year.

Internally Displaced Persons (IDPs).—According to the Norwegian Refugee Council, regional conflicts in Jammu and Kashmir, Gujarat, and the northeast displaced at least 650,000 persons. According to the Ministry of Home Affairs’ Annual Report for 2007–08, there were 55,456 Kashmiri Pandit migrant families, of which 34,878 resided in Jammu, 19,338 in Delhi, and 1,240 in other states. There were 230 migrant families living in 14 camps in Delhi and 5,778 families in 16 camps in Jammu.

The 2007–08 report stated that the ministry had engaged the Government of Mizoram on the repatriation of Reang refugees from Tripura to Mizoram.

According to media sources, tensions in six Reang/Bru refugee camps in Kanchanpur were due to noninclusion of over 7,000 children in ration cards. A survey conducted by Asian Indigenous and Tribal Peoples’ Network (AITPN) on Bru internally displaced families found that more than 94 percent of the camp inmates had documents issued by Mizoram authorities to prove their bona fide residence.

On October 1, 300 cadres belonging to United Liberation Front of Barak Valley (ULFBV), a militant group of Reang tribe members, surrendered before Assam Chief Minister Tarun Gogoi.

AITPN presented its findings to the Supreme Court, but neither the state nor central governments tried to verify the Brus’ status. Despite the Tripura government’s recommendation, the central government failed to increase the ration card numbers to include 1,514 children, forcing families to share their food allocation. More than 1,000 Hmar refugees, one of the numerous tribes that belonged to the Chin-Kuku-Mizo tribe, were reportedly displaced in and around Mizoram, some of them from Manipur.

In 2005 the Supreme Court ordered the Ministry of Home Affairs, the election commission, and the Governments of Mizoram and Tripura to resettle approximately 40,000 displaced Reangs and add them to the electoral rolls. By year’s end, approximately 1,000 Reangs were resettled in Mizoram.

The Bru National Liberation Front (BNLF) and Mizoram government agreed on a financial package of 278 million rupees (approximately \$6.3 million) and paved the way for the return of Reang IDPs in North Tripura.

The violence in Gujarat in 2002 displaced, according to the National Commission for Minorities (NCM) in 2006, 5,307 Muslim families to 46 camps in “precarious conditions” across Gujarat. By November 2007, the Government of Gujarat completed the process of giving ration and voter cards to the IDPs at their camp addresses, confirming their permanent relocation.

More than 87,000 persons lived under poor conditions in IDP camps in Assam as a result of continuing violence in the northeast. According to press reports, nearly 2,000 families who were riot victims from the Kokrajhar, Bongaigaon, and Dhubri districts in Assam awaited rehabilitation grants sanctioned by the state government following the periodic riots that occurred during 1993–99 in these areas.

An NGO reported that the Assam state government released part of the grants in 2007. The Government also provided assistance to IDPs and allowed them access to NGO and human rights organizations. As in previous years, there were no re-

ports that the Government attacked or forcibly resettled IDPs. No government programs were specifically designed to facilitate resettlement.

During 2006 the Chhattisgarh government opened IDP camps in Dantewara district for tribal persons caught in fighting between Naxalites and the Salwa Judum. Credible reports claimed the police forced villagers to relocate to the camps. In October the NHRC report identified 23 government relief camps, with an estimated camp population of 40,000 IDPs, down from 27 camps with as many as 60,000 IDPs in 2006.

The camps lacked adequate shelter, food, health care, education, and security. Civil society groups alleged that men, women, and children from the camps were trafficked for labor, sexual exploitation, and child soldiering. Numerous sources alleged that children were armed by both Naxalites and Salwa Judum activists. Police acknowledged that some minors could have been armed as SPOs but stated they dismissed minors upon learning their true ages.

NGOs alleged that hundreds of Chhattisgarh IDPs settled in reserved forest areas in Andhra Pradesh were denied basic assistance, including food, water, shelter, medical facilities, and sanitation. Little was known about the population or its living conditions. According to HRW, the Andhra Pradesh forest department made several attempts to evict displaced persons from Kothooru.

Protection of Refugees.—According to the World Refugee Survey 2007, 435,900 refugees were in the country, including the Dalai Lama, spiritual leader of the Tibetan Buddhists.

The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees against the expulsion or return of refugees to countries where their lives or freedom would be threatened, especially to Tibetans and Sri Lankans. According to the Office of the UN High Commissioner for Refugees (UNHCR), during the year there were 11,321 refugees under UNHCR mandate in the country. Since 1960, the Government has hosted approximately 110,000 de facto refugees from Tibet. Tibetan leaders in the country stated that the Government treated them extremely well. The Ministry of Home Affairs has spent 180,600,000 rupees (approximately \$4.2 million) on Tibetan refugee resettlement.

Due to the absence of clear guidelines, the refugees are governed under the Foreigners Act 1946 that defines a foreigner as a person who is not a citizen of India and is thus eligible to be deported.

Prior to the Olympic Games in August, Tibetan refugees protested throughout the country. The Tibetan Youth Congress (TYC) organized most of the protests and reported that, on the whole, police did not mistreat the refugees during arrests or dispersion of the crowds. These demonstrations began on March 13, when an estimated 100 Tibetan protesters were arrested near Dharamsala, Himachal Pradesh, in their protest march to the Tibetan capital of Lhasa. Police detained the protesters for 11 days. On April 15, 45 TYC members participated in the Tibet Independence Torch relay, and 33 of them were arrested and detained in Tihar jail. The following day, 65 activists protested at the Chinese Embassy in Delhi, and 48 were arrested.

According to TYC reports, some female activists were injured when police officers forcibly arrested them.

On April 17, TYC organized 300 protesters to demonstrate against the arrival of the Olympic torch in the country. According to TYC, police arrested almost all of the protesters. TYC accused Mayapuri police of beating some protesters, resulting in injuries for two protesters.

On April 30, in an address before the parliament, the Ministry of Home Affairs stated that 680 Tibetan protesters were arrested in various states in the country during the March protests.

On July 28, TYC launched a series of three hunger strikes in Delhi as part of the Olympic protests. When police forcibly removed the first group of hunger strikers, Tibetans protested. Police arrested 86 protesters who tried to prevent police from reaching the hunger strike tent; the protesters were released on August 20. On August 24, TYC terminated the fast.

The Government generally denied NGOs, international humanitarian organizations, and the office of the UNHCR direct access to refugee and IDP camps, particularly in Mizoram. While the UNHCR had no formal status, the Government permitted its staff to access refugees in urban centers and maintained a local office in Tamil Nadu. The Government did not formally recognize UNHCR grants of refugee status, although it provided "residential permits" to many Afghans and Burmese. An estimated 1,908 Burmese refugees have lived in New Delhi since 1982. The Government considered Tibetans and Sri Lankans in settlements and refugee camps to

be refugees and provided assistance to them, but since it regarded most other groups, especially Bangladeshis, as economic migrants, it did not provide them with aid. However, in recent years a number of court rulings extended protection to refugees whom the Government had formerly considered economic migrants.

The Government permitted recognized refugees to work, and the state and central governments paid for the education of refugee children and provided limited welfare benefits.

According to NGOs, conditions in the Sri Lankan refugee camps were generally acceptable, although much of the housing, as well as water and sanitation facilities, were of poor quality. The UNHCR continued to meet outside the camps with Tamil refugees considering voluntary repatriation. The NGO Organization for Eelam Refugee Rehabilitation had regular access to the camps during the year. As of September 8, a total of 73,536 Sri Lankan refugees resided in 117 refugee camps throughout Tamil Nadu. The central government and the state of Tamil Nadu jointly provided monthly cash payments and food subsidies to the refugees. The refugees were free to move in and out of the camps, but they had to return for periodic roll calls. The refugees were subject to surveillance by police. Refugee children generally were enrolled in local schools.

Those living in the country not formally recognized as refugees included approximately 80,000 Chakmas and approximately 200,000 Santhals, both from Bangladesh, who remained in Arunachal Pradesh, Mizoram, and Assam. Afghans, Iraqis, and Iranians without valid national passports were also present. The Government chose not to deport them, issued them renewable residence permits, or ignored their presence. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and could not regularize their status.

UNHCR provided refugee status and assistance to approximately 1,800 Chins from Burma living in New Delhi. However, UNHCR did not have access to the larger population of ethnic Chin living in the northeastern states. An estimated 80,000 Chins lived and worked illegally in Mizoram. NGOs stated that in 2005, 10,000 Chins with alleged ties to Burmese insurgent groups were expelled to Burma, where the military government reportedly jailed them. Mizoram human rights groups estimated that approximately 31,000 Reangs, a tribal group from Mizoram displaced by sectarian conflict, remained in six camps in North Tripura. Conditions in these camps were poor, and the Tripura government asked the central government to allot funds for their care.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The country has a democratic, parliamentary system of government, with representatives elected in multiparty elections. The Government changed hands following free and fair national parliamentary elections in April and May 2004. The parliament sits for five years unless dissolved earlier for new elections, except under constitutionally defined emergency situations.

Citizens elected state governments at regular intervals, except in states under the President's rule. The 2007 elections in Uttar Pradesh resulted in a Dalit-led party winning a majority of seats in the State Assembly. During the year free and fair assembly elections were held in Nagaland, Karnataka, Meghalaya and Tripura, Rajasthan, Madhya Pradesh, Chhattisgarh, Mizoram, Jammu and Kashmir, and Delhi. According to the Election Commission, voter turnout for the elections in Jammu and Kashmir was 61.1 percent, compared to 26 percent during the last election in 2002. Seven civilians were killed in elections in the state during the year, compared to 26 in 2002.

Political parties could operate without restriction or outside interference.

In July 2007 Pratibha Patil became the country's first female President. There were 73 women in the 784-seat national legislature, two in the 32-member cabinet of ministers, and eight among the 47 ministers of state. There were numerous female representatives in all major parties in the national and state legislatures. The chief minister of Uttar Pradesh, the country's largest state with a population of 183 million, was a woman. The constitution reserves 33 percent of seats for women in elected village councils.

The constitution reserves a proportionate number of seats in the parliament and state legislatures for STs and SCs. Indigenous persons actively participated in national and local politics.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, in practice officials frequently engaged in corrupt practices with impunity.

Both the Election Commission and the Supreme Court upheld mandatory disclosures of criminal and financial records for election candidates. However, election campaigns for the parliament and state legislatures often were funded with unreported money, and the Government failed to combat the problem.

In 2006 the Government launched a national antibribery campaign to raise public awareness of the right to information. The law mandates stringent penalties for failure to provide information or affecting its flow and requires agencies to proactively reveal sensitive information. While the Government took extended periods of time to reply to information requests, local community members as well as noncitizens could access the Right to Information Act (RTI) online portal to get information on personal documentation, city plans, and other public records. The Government charged 10 rupees (approximately \$0.21) as a fee at the time the request was made. Nine state governments have right to information laws. The Ministry of Home Affairs' 2007 annual report stated that 8,311 applications were processed under the RTI in 2006–07. If a request is denied, the individual can appeal to the Central Information Commissioner and then to the High Court.

During the year action was taken against 262 Bihar state government officials for not supplying information to RTI applicants.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating abuses and publishing their findings on human rights cases; however, in a few circumstances, groups faced restrictions. Government officials assisted some NGO inquiries and actions.

In 2006 the Ministry of Home Affairs barred 8,673 organizations from seeking foreign funds under the Foreign Contribution and Regulation Act (FCRA) for failing to provide the proper paperwork. NGOs called the FCRA restrictive and claimed that the Government failed to notify organizations when the requisite paperwork was needed. Until December 2007, funds under FCRA were granted to 475 additional organizations. According to the Home Ministry Annual Report 2007–08, under FCRA, 475 organizations were granted registration and 255 organizations were granted prior permission to receive foreign funds.

The main domestic human rights organization was the government-appointed NHRC. While the NHRC generally acted independently, some human rights groups claimed the NHRC was hampered by institutional and legal weaknesses. For example, while the NHRC was not required to notify and receive approval for visits to state-managed prisons, the NHRC was unable to inquire independently into human rights violations by the armed forces, initiate proceedings for prosecution, or grant interim compensation. NGOs also criticized the NHRC's financial dependence on the Government and the failure to investigate abuses more than one year old.

In 2007 the NHRC received 76,444 complaints of human rights abuses. The NHRC closed 101,272 cases, including those brought forward from previous years. It recommended interim relief in 86 cases amounting to 15,050,000 rupees (approximately \$350,000). The NHRC did not have the statutory power to investigate allegations and could only request that a state government submit a report, which state governments often ignored. Human rights groups claimed that the NHRC did not register all complaints, dismissed cases on frivolous grounds, did not adequately protect complainants, and failed to investigate cases thoroughly.

In April the Supreme Court directed the NHRC to investigate alleged human rights violations in Chhattisgarh connected with the government-sponsored counterinsurgency efforts. On September 20, the Supreme Court asked the Chhattisgarh government to implement the NHRC's recommendations concerning allegations of human rights abuses by the state-sponsored counterinsurgency campaign Salwa Judum, SPOs, other security forces, and the Naxalites. The NHRC recommended further investigation into allegations of human rights violations, including extrajudicial killings.

On October 27, the NHRC initiated an inquiry into the MNS violence against north Indians in Maharashtra, and the investigation continued at year's end.

Human rights monitors in Jammu and Kashmir were able to document human rights violations, but they were at times restrained or harassed by security forces, counterinsurgents, and police.

International human rights organizations faced difficulties obtaining visas to visit the country for investigative purposes, and in country, occasional harassment and restrictions limited the public distribution of materials. International humanitarian

organizations, such as the ICRC, had access to most regions, with the exception of the Northeast and Naxalite-controlled areas.

Despite the recommendation to create state human rights commissions in the 1993 Protection of Human Rights Act (PHRA), only 17 of the 28 states had established them by year's end. Human rights groups alleged that state human rights commissions were limited by local politics and less likely to offer fair judgments than the NHRC. For example, the Jammu and Kashmir commission did not have the authority to investigate alleged human rights violations committed by members of the security forces. Also, the Maharashtra State Human Rights Commission (MSHRC), after receiving a court order, was forced to disclose that it had dismissed 27,000 of the 30,000 complaints it received between July 2000 and July 2007 without any action. It heard 39 cases and recommended action against police or government officials in only eight cases.

In October the Punjab State Human Rights Commission (PSHRC) stated that most cases taken up by the commission deal with alleged atrocities committed by the Punjab police. According to the PSHRC, 6,000 of 10,000 complaints registered through September pertained to police atrocities.

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

The law prohibits discrimination on the basis of race, sex, religion, place of birth, or social status, and the Government worked to enforce these provisions with varying degrees of success.

Women.—The law provides for protection from all forms of abuse against women in the home, including physical, sexual, verbal, emotional, or economic abuse. Domestic violence includes actual abuse or the threat of abuse. The law recognizes the right of a woman to reside in a shared household with her spouse or partner while the dispute continues, although a woman can be provided with alternative accommodations, for which the spouse pays. The law also provides women with the right to police assistance, legal aid, shelter, and access to medical care. The law bans harassment by way of dowry demands and empowers magistrates to issue protection orders where needed. The law criminalizes spousal rape. Punishment ranges from jail terms of up to one year and/or a fine of approximately 19,800 rupees (approximately \$450).

In practice rape and other violent attacks against women continued to be a serious problem. There has been a dramatic increase in reported crimes against women, which credible sources stated was due to a growing sense of security in reporting such crimes. The 2005–06 National Family Health Survey (NFHS) reported that one-third of women ages 15 to 49 had experienced physical violence, and approximately one in 10 had been a victim of sexual violence. The survey also found that that only one in four abused women had ever sought help, and that 54 percent of women believed it was justified for a husband to beat his wife. The National Crime Record Bureau (NCRB) reported 20,737 incidents of rape in 2007, and 19 of 20 victims knew their attackers. NGOs asserted that rape by police, including custodial rape, was common.

In 2005 the parliament amended the Code of Criminal Procedure to stipulate mandatory DNA tests in all rape cases. The act also requires a judicial inquiry into any death or rape of a woman in police custody and prohibits the arrest of women after sunset and before sunrise except in “exceptional circumstances.” Human rights groups claimed there was no subsequent decrease in the prevalence of custodial abuse or killings. The law sets criminal penalties for rape, including spousal rape, but the Government did not enforce the law effectively. Only 10 percent of rape cases were adjudicated fully by the courts, and police often failed to arrest rapists, perpetuating a climate of impunity.

Domestic violence remained a significant problem, with the highest prevalence in Delhi, according to a study conducted by the NGO Lawyers Collective and UNIFEM. A total of 3,534 cases were reported in Delhi, followed by Kerala with 3,287 cases, and Maharashtra with 2,751 cases, between 2006 and October. The NFHS also found that 59 percent of married women in the state of Bihar suffered from domestic violence and that this rate of domestic violence was positively correlated with illiteracy.

Upper caste gangs used mass rape to intimidate lower castes, and gang rape was reportedly used as punishment for alleged adultery or as a means of coercion or revenge in rural property disputes.

There was no progress in the 2007 case in which three rioters in a rally stripped an Adivasi woman while others took pictures of her on their cellular phones.

An investigation continued in the 2006 rape of 25 women in Manipur by 18 armed insurgents belonging to the United National Liberation Front and Kangleipak Communist Party. A judicial commission investigated the incident and submitted its

findings to the state government in 2007, but there were no further developments by year's end.

There was no response to an NHRC request of state officials to investigate a 2006 case in which upper caste men raped seven Dalit women in the Lakhisarai district of Bihar.

On September 15, the court found eight persons guilty of murder and acquitted three others in the 2006 case of four Dalit family members killed by Kunbi caste villagers in Khairlanji village of Maharashtra.

The law forbids the provision or acceptance of a dowry, but families continued to offer and accept dowries, and dowry disputes remained a serious problem. The law also provides extensive powers to magistrates to issue protection orders that deal with dowry-related harassment and murder. From January 1 through September 30, Andhra Pradesh police reported 392 dowry deaths, Tamil Nadu police recorded 178, and the Karnataka State Commission for Women recorded 98. According to the NCRB, 8,093 dowry cases were registered in 2007.

On September 22, the Supreme Court directed Abhinav to pay 4,000,000 rupees (approximately \$85,106) to his wife Shilpa and her family for mentally and physically torturing them for dowry.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer, although it was unclear how effective these officers were. Madhya Pradesh required government employees to produce a sworn affidavit by prospective brides, grooms, and the groom's father that no dowry was exchanged.

The Government continued to ban and discourage sati, the practice of burning a widow on the funeral pyre of her husband, and there were few instances of sati. There were no reports of sati during the year.

Honor killings continued to be a problem, especially in Punjab and Haryana, where up to 10 percent of all killings in those two states were honor killings. In July the Association for Advocacy and Legal Initiative, a women's advocacy group, reported that it identified 73 cases of honor killings from Hindi-speaking states in 2007.

For example, on September 18, Rekha and Sonu, college students in Noida, Uttar Pradesh, were killed by their family because Rekha belonged to the Dalit community. On November 6, two cousins, Pinki and Sonam, were killed by their families after they left home with boys from different castes. Five persons, including the fathers of both girls, were arrested and investigations continued at year's end.

There remained no judgments in two high profile honor killings, despite confessions and supporting police investigations. The July 2007 killing of a Jat woman, Baljeet Kaur, and her Valmiki husband by Kaur's father Kartar Singh and brothers, and the 2006 killing of Kamlesh Chand by her father Deep Chand and his three sons both remained unresolved.

While the act of prostitution is not illegal, most activities such as the selling, procuring, and exploiting of any person for commercial sex as well as profiting from the prostitution of another individual are illegal. Unlike in previous years, Section 8 of the Immoral Trafficking Prevention Act (ITPA), which criminalizes the act of solicitation for prostitution, was infrequently used to arrest and punish women and girls who were victims of trafficking. The country is a significant source, transit point, and destination for trafficked women.

In October the Jammu and Kashmir High Court criticized the CBI's "lax and deficient" handling of the 2006 arrest of the former state minister for tourism in Jammu and Kashmir Pirzada Mohammed Sayeed and his wife for allegedly trafficking and blackmailing approximately 40 local girls into prostitution. On May 27, the Jammu and Kashmir state government asked the High Court bench to reconsider the case. The CBI and the High Court Bar Association disagreed, and the case was still pending at year's end.

Sexual harassment of women in the workplace included physical and verbal abuse from male supervisors, restricted use of toilets, and the denial of lunch breaks. In 2006 the Supreme Court instructed all state chief secretaries to comply with its mandate that all state departments and institutions with over 50 employees establish committees to deal with matters of sexual harassment. According to NCRB, 4,541 cases of sexual harassment were filed in 2006.

On July 30, Delhi University's enquiry committee found a professor guilty of, and dismissed him for, charges of sexual harassment.

On November 7, B. N. Ray, ex-vice principal of Ramjas College, Delhi University, was found guilty of sexual harassment after his suspension one year earlier, when six cases of sexual harassment were filed against him.

On October 20, the National Commission for Women reported 153 cases of sexual harassment cases were registered from 2006–08. Sixty cases were registered in

Delhi, and 77 in Uttar Pradesh; the remaining 16 cases were divided among other states.

On August 11, a cab driver and his accomplice were sentenced to death for the 2004 rape and killing of Australian national Dawn Emelie Griggs.

The law prohibits discrimination in the workplace; however, in practice employers paid women less than men for the same job, discriminated against them in employment and credit applications, and promoted women less frequently than men. In 2006 the Government amended the law to provide flexibility for women to work in factories on the night shift.

On March 17, the All India Muslim Women Personal Law Board released a new Shariat nikahnama (marriage law), applicable to both Shias and Sunnis, that makes registration of marriages compulsory and expands the rights to women. For example, the new marriage law prohibits divorce via text message, e-mail, or telephone, and the wife can file for divorce if her husband forces her to have sex.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Shari'a (Muslim traditional law) determines land inheritance for Muslim women rather than state statutes. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. However, several exceptions existed, such as in Ladakh, Meghalaya, and Himachal Pradesh, where women traditionally controlled family property and enjoyed full inheritance rights.

Children.—The law provides for protection from abuse for children in a variety of different areas. In 2007 the NHRC developed guidelines for handling child rape cases and issued recommendations on missing children. The NHRC recommended that state directors general of police should issue standing instructions to protect children and require that every police station have special squads or missing persons desks to trace missing children. District administrations were charged with periodically inspecting locations where children often work, in accordance with the law. NHRC recommended that state police headquarters create a system of mandatory reporting whereby all incidents of missing children were reported to the newly constituted National Commission for Protection of Child Rights (NCPCR) within 24 hours of occurrence.

NHRC stated that enforcement agencies, in partnership with NGOs and social workers, should develop a mechanism for counseling and awareness on child abduction, and that the National Crime Research Bureau should establish a National Tracking System in the form of data, including efforts by grassroots organizations, to help in locating and tracing missing children.

The Registration of Birth and Death Act 1969 provides for establishing birth registration procedures for state governments. According to the National Commission on Population, approximately 55 percent of national births were covered at year's end, and the level of registration varied substantially across states.

The constitution provides for free, compulsory education for children between the ages of six and 14 years of age; however, the Government did not enforce this provision.

A 2006 report commissioned by the MHRD showed that lower caste and Muslim student attendance rates were much lower than those of children in high caste families.

Abuse of children in both public and private educational institutions was a problem. Although corporal punishment is banned, schoolteachers often used it on their students. There was still no progress in the 2007 case of Brijesh Prajapati, a sixth grade student in Farukhabad, Uttar Pradesh, who died after a beating from his teacher, Kishan Singh. Authorities suspended Singh and the school principal; the case was pending at year's end.

On March 27, Rinky Kaushik, a 15-year old student at the Dinkar Model School, died after her teacher beat her. A complaint was registered against the principal, and the central government revoked its recognition of the teacher and the school.

In April 2007 the Ministry of Women and Child Development released its first study of child abuse. The survey found two out of three children were physically abused, with a higher percentage reported among children aged five to 12. The states of Andhra Pradesh, Assam, Bihar, and Delhi consistently reported the highest rates of abuse in all forms. Sixty-five percent of school children reported facing corporal punishment. Fifty-three percent of children reported experiencing one or more forms of sexual abuse, and 22 percent reported experiencing severe sexual abuse.

The Government sponsored a toll-free 24-hour help line for children in distress in 72 cities across the country. A network of NGOs staffed the "Childline 1098 Service" number, which could be accessed by either a child or an adult to request imme-

diate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

In October the NCPCR found that 22 children's homes failed to provide regular meals, clean sheets, and potable water, and required children to cook for the staff and themselves. The NCPCR found no effective system existed to manage and supervise such homes.

The 1929 Child Marriage Restraint Act prohibits child marriage. In 2006 the Government tightened its legislation against child marriage and passed the Prohibition of Child Marriage Bill, declaring that existing child marriages were null and void.

While the law states the legal age of marriage for women is 18 and for men 21, in practice this law was not followed. According to a 2005 Health Ministry report, half of all women were married by the age of 15. The report found that 45 percent of women aged 18 to 24, and 32 percent of men aged 18 to 29, married before the legal age. According to a 2005 report from the Office of the Registrar General of India, 240 girls died every day due to pregnancy-related complications in early child marriages. The International Center for Research on Women (ICRW) concluded that those married under the age of 18 were twice as likely to be abused by their husbands compared with women married later; they were also three times more likely to report marital rape. ICRW reported that child brides often showed signs of child sexual abuse and post-traumatic stress. Child marriages also limited girls' access to education and increased their health risks, since they had higher mortality rates and exposure to HIV/AIDS than girls married after 18.

Trafficking and commercial sexual exploitation of children was a serious problem. According to the UN Children's Fund (UNICEF), in 2004 the country supplied half of the one million children worldwide who entered the sex trade.

A study conducted by a group of NGOs revealed that approximately 10,000 children were trafficked into the northeast states every year. The study reveals that children were also brought in from bordering countries to the northeast.

On August 26, the Central Adoption Resource Agency (CARA) expressed concern over incidents of child trafficking in the guise of adoption. Media reports named a Chennai-based adoption agency that had fabricated records of children and placed them for adoption in 2000. The CARA chairperson stated that the agency lost its license in 2002. A criminal case was filed and the matter was pending in the court at year's end.

Female feticide was an acute problem in Punjab, Haryana, and Rajasthan. The states of Punjab, Haryana, Gujarat, Uttar Pradesh, Himachal Pradesh, Delhi, parts of Tamil Nadu, Maharashtra, and Karnataka reported particularly low female/male ratios. Nationally, there were only 933 girls per 1,000 boys per the 2001 census. In 14 districts of Haryana and Punjab there were fewer than 800 girls per 1,000 boys. The low male/female ratio resulting from female feticide caused families in Punjab and Haryana to traffic women and girls from Bihar and other northeastern states.

Sex determination tests are illegal under the 1994 Pre-Natal Diagnostic Techniques Act (PNDT). However, credible sources stated the problem was widespread and calculated that feticide was a \$116 million industry. Officials claimed that the practice was prominent among educated and urban sections of society.

On January 17, media reports revealed a poor conviction rate under the PNDT. Despite claims made by the Punjab government, police had obtained only six convictions under the act in the state, and 78 cases were pending in the courts at year's end. Out of 17 cases involving clinics carrying out the sex determination tests using ultra sound machines, three were discharged and 14 cases were pending in the courts at year's end.

On July 1, two diagnostic clinics and a hospital were shut down in Rohini, New Delhi, for conducting sex determination tests. On August 14, the Supreme Court issued a notice to the central government on public interest litigation charging that efforts to block search engine advertisements promoting sex selection technology had been insufficient.

On November 2, the ultrasound center in Sriram Memorial Hospital in Gurgaon, Haryana, was closed for violating the PNDT for purposes of sex determination.

There were no updates in the 2007 arrest by the Haryana Health Department of an unlicensed doctor, A.K. Singh, for feticide based on gender. Haryana registered 35 cases against doctors illegally conducting sex determination tests in the past two years.

Efforts to combat feticide included a program by the Health and Family Welfare Ministry to target and apprehend those who carry out or abet female feticide. The Government also launched a "Save the Girl Child" campaign. The New Delhi municipal government sponsored a program that provided every girl born in a government hospital with a gift deposit of 5,000 rupees (approximately \$114) that accumulated interest until cashed at the child's age of 18. In the village of Lakhanpal in central

Punjab, a program to end female feticide resulted in 1,400 female and 1,000 male births.

Trafficking in Persons.—The ITPA prohibits trafficking in human beings; however, trafficking in persons remained a significant problem. The law provides for imprisonment of seven years to life for offenses committed against a child (under 16), or seven to 14 years for offenses against minors between 16 and 18. The minimum term of imprisonment for brothel keeping was one year for the brothel offense and seven years to life imprisonment for detaining a person, with or without consent, for prostitution.

The country was a significant source, transit point, and destination for trafficking victims, primarily for the purposes of prostitution and forced labor. Women and girls were lured into commercial sexual exploitation through deception and expectations of opportunities. Tribal women and those from economically depressed areas were particularly vulnerable to sexual exploitation. Extreme poverty, combined with the low social status of women, often resulted in parents handing over their daughters to strangers for what they believed was employment or marriage. In some instances, parents received payments or the promise that their children would send wages home.

To a lesser extent, the country was a point of origin for women and children trafficked to other countries in Asia, the Middle East, and other countries for forced domestic servitude or commercial sexual exploitation. Men were also trafficked to the Arabian Gulf for involuntary servitude in the construction sector.

Women and girls as young as seven years of age were trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of the country to the major prostitution centers of Mumbai, Kolkata, and New Delhi. In West Bengal, organized trafficking of illegal Bangladeshi immigrants was a principal source of bonded labor. Kolkata was a transit point for traffickers sending Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and the Middle East. The Government cooperated with groups in Nepal and Bangladesh to deal with the problem and began to negotiate bilateral antitrafficking agreements, particularly through the South Asian Association for Regional Cooperation.

Trafficking of children into domestic servitude and sweatshops remained a problem. States in the northeast region (Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Sikkim), and Bihar served as main source areas for domestic servants in Kolkata, Delhi, Hyderabad, Mumbai, and, to a certain extent, Bangalore. The increasing number of domestic servant recruitment agents suggested that large trafficking networks operated in the region. In many cases women and girls were first brought by agents to Siliguri, West Bengal; they then traveled to different destinations with the traffickers. Often traffickers used truck drivers to carry women and girls from the northeast through National Highway 31, which connects the region to the central part of the country.

Traffickers usually targeted minors and Dalit women. A study conducted by credible sources stated that out of the 173 identified cases of women who had become victims of the sex trade, 85 percent were minors and half were Dalits.

NGOs knowledgeable about the trafficking situation frequently identified traffickers and the locations where brothel owners held girls captive but were reluctant to trust police with this information due to the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Several NGOs had significant successes, however, in working with police to target brothels with children.

According to the United Nations Office on Drugs and Crimes (UNODC) latest report, from January 2007 to June, 920 cases of human trafficking were registered; 371 rescue operations were conducted; 1,606 victims were rescued, including 266 minors; 1,919 were arrested; 801 customers/clients were arrested; 30 traffickers were convicted; 33 places of exploitation were closed; and 863 victims began the process of rehabilitation.

On October 10, Ram Kishore, station house officer of the Railway Police, and six others were charged with the alleged sale of a woman into illegal captivity in Jind, Haryana. Police lodged a First Information Report, but had not located the accused by year's end.

On October 30, Chander Shekhar, employee of the NGO Prayas Kendra, was sentenced to two years in jail for child trafficking. Delhi police arrested Shekhar in 2006 for selling three children residing at the NGO for 30,000 rupees (approximately \$638).

Although arrests and prosecutions for trafficking increased, convictions remained low, and collection of law enforcement data was difficult because there was no national system for collecting arrest information. The law's requirement of an inspec-

tor-level officer to investigate cases made charges unlikely. Many police officials preferred to use India Penal Code (IPC) provisions rather than antitrafficking laws to arrest traffickers, both because they claimed to have more success in getting convictions and because many IPC provisions were not subject to bail.

The Government significantly increased police training and modestly improved interstate coordination of antitrafficking efforts, cooperated with NGOs, supported awareness campaigns, and increased the number of shelter facilities available to rescued trafficking victims; the conditions of the shelters, however, were often substandard. They also stated that persons claiming to be parents would remove girls and reinsert them into the industry.

The Ministry of Women and Child Development improved coordination with its state counterparts and NGOs to deliver counseling, legal aid, medical care, repatriation and restoration services, as well as awareness programs such as peer education, rallies, posters, booklets, and street plays. The ministry also completed the Protocol on Inter State Rescue and Post Rescue Activities relating to trafficked persons.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights for persons with disabilities; however, a clause that makes the implementation of programs dependent on the “economic capacity” of the Government was believed to significantly weaken the law.

Widespread discrimination occurred against persons with physical and mental disabilities in employment, education, and access to health care. Accessibility for persons with disabilities to public buildings, transport, and spaces was not required by law, and provisions for wheelchair access were limited.

According to the 2001 census, there were 22 million persons with disabilities in the country, but NGOs estimated the actual number to be much higher. A World Bank report noted that 4 to 8 percent of the population consisted of persons with disabilities.

The Government and the PDA improved employment prospects for persons with disabilities. For example, the PDA required that 3 percent of public sector jobs be reserved for persons with physical, hearing, and visual disabilities. While only 0.44 percent of public sector employees were persons with disabilities, the Government increased funds to NGO partners to increase this number. Private sector employment of persons with disabilities remained low despite PDA benefits to private companies at which persons with disabilities constitute more than 5 percent of the workforce. On July 17, the central government approved an incentive program for private sector employers that covers positions with a monthly wage of 25,000 rupees (approximately \$568).

The PDA created a Central Coordination Committee, which reported that approximately 100,000 children with special needs attended approximately 2,500 schools that provided integrated and inclusive education or nonformal education. The MHRD reported in 2006 that children with mental disabilities had the lowest rate of school attendance out of any group at 53 percent, followed by those with speech disabilities at 57.5 percent, and those with hearing disabilities at 68 percent.

The law stipulates that 3 percent of all educational spots are reserved for persons with disabilities; however, statistics showed that only an estimated 1 percent of students consisted of those with disabilities. The Ministry of Social Justice and Empowerment offered 500 educational scholarships to persons with disabilities to pursue higher education. However, university enrollment of students with disabilities was still very low for reasons including inaccessible infrastructure, poor availability of resource materials, nonimplementation of the 3 percent reservation, and harassment.

On July 14, the central government pledged to fund programs to provide toilets accessible for persons with disabilities, sloped ramps, lifts with audio systems and Braille buttons, computer rooms usable for persons with disabilities, and one room in each hostel for persons with disabilities in the country's universities. On July 15, Delhi University organized a special orientation program for students with disabilities and announced plans to start a transportation system to facilitate their commute.

The disability division of the Ministry of Social Justice and Empowerment delivered rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan committed the Government to provide rehabilitation centers to more than 400 districts, but services were concentrated in urban areas. The

impact of government programs was limited due to the concentration of funding provided to a few organizations.

National/Racial/Ethnic Minorities.—The law provides that the practice of untouchability, which discriminated against Dalits and others defined as SCs, is a punishable offense; however, such discrimination remained ubiquitous.

The law gives the President the authority to identify historically disadvantaged castes, Dalits, and tribal persons (members of indigenous groups historically outside the caste system) for special quotas and benefits. These groups were entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. According to the 2001 census, SCs, including Dalits, made up 16 percent (168.6 million) of the population, and STs were 8 percent (84.3 million). In 2006 the parliament passed a bill to reserve 27 percent of seats at educational institutions for SCs and members of disadvantaged social classes.

While the law protects Dalits, in practice they faced significant discrimination in access to services such as health care and education, attending temples, and marriage. Many Dalits were malnourished and were the majority of bonded laborers. Dalits who asserted their rights were often attacked, especially in rural areas. As agricultural laborers for caste landowners, Dalits often worked without remuneration. Crimes committed by upper caste Hindus against Dalits often went unpunished, either because the authorities failed to prosecute such cases or because the crimes were unreported by victims fearing retaliation.

Reports from the UN Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and a considerable rate of sexual violence against Dalit women. For example, on January 9, a Dalit man was pierced in the eyes by upper caste attackers because of his relationship with a relative. Police arrested six persons for the assault and charged them under the Scheduled Castes (Prevention) Act.

On April 30, the Ministry of Home Affairs reported that there had been 13,449 persons convicted for crimes against persons belonging to the SC and ST according to NCRB records.

On June 7, a Dalit girl alleged that she was raped and tortured for over a year in Jatapar village in Gujarat after her disappearance in 2006. No arrests were made in the case by year's end. On June 12, a group of upper caste men stripped and beat a Dalit woman and her daughter in Ajmer, Rajasthan. The police registered a case against the accused, who were at large at year's end.

There were no updates in the September 2007 case against those who allegedly killed two members of the Pardhi tribe and destroyed 62 Pardhi houses in Multai, Madhya Pradesh.

In 2006 the Supreme Court ordered the police and government to help intercaste couples and prevent social ostracism, and the Ministry of Social Justice and Empowerment directed state governments to increase incentives for intercaste marriages to 46,000 rupees (approximately \$1,050). The central government pays 50 percent.

On September 5, six persons were sentenced to death and two to life imprisonment for lynching four members of a Dalit family in Vidarbha, Maharashtra, in 2006.

On September 24, four persons were sentenced to death and 11 to life imprisonment for killing Chhedu, in Barabanki, Uttar Pradesh, in 1993. Chhedu belonged to the Chamar caste and was killed when he tried to prevent his attackers from molesting his daughter.

Indigenous People.—The law provides for safeguarding tribal rights in most of the northeastern states, and the regulations were generally followed. These regulations prohibit any nontribal person, including citizens from other states, from crossing an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. Tribal authorities must approve the sale of land to nontribal persons. According to the Indian Confederation of Indigenous and Tribal Peoples, 80 percent of the tribal population lived below the poverty level, and more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation.

Businesses and illegal undocumented Bangladeshi immigrants encroached on tribal lands in almost every eastern state. Numerous tribal movements demanded the protection of tribal land and property rights. As a result of complaints, tribal-majority states were created in 2000 from the Jharkhand area of Bihar and the Chhattisgarh region of Madhya Pradesh, and authorities provided local autonomy to some tribes in the northeast.

In May approximately 41 persons were killed in clashes between the police and members of the Gujjar tribe in the state of Rajasthan. The Gujjars demanded inclusion in affirmative action quotas and the List of Scheduled Tribes. In 2007, 26 persons were killed in similar clashes. A six-member team from the NHRC visited the state to investigate. On July 17, the Rajasthan Assembly passed the Reservation Bill for the Gujjar tribe. The Gujjars were expected to get 5 percent reservation in the category of Special Backward Classes.

In November 2007 members of the CPI(M) claimed approximately 1,500 acres of land in Munnar, Kerala, after forcibly removing 200 tribal families from the area.

Since August 2007, thousands of mainly indigenous groups of Scheduled Castes and Tribal protesters in Chengara, Kerala, staged a continuing strike on a private estate demanding land ownership. Discussions with the state government to resolve the situation continued at year's end.

In Assam, tensions remained high between indigenous Assamese tribal members and the Adivasi because of Adivasi demands for ST status. While police charged several individuals for stripping one Adivasi woman publicly, the woman refused the Government's offer for a job and 100,000 rupees (approximately \$2,066) in compensation and decided to run for the parliament. No other violence occurred. There was no progress on other 2007 incidents in which one person was killed.

Civil rights organizations, working with indigenous persons in Kodagu district of Karnataka, accused the state government of actively promoting tourism at their expense. The groups alleged that more than 1,600 families had been evicted since 1972. While the 2006 Scheduled Tribes Act grants indigenous persons certain rights pertaining to lands from which they were evicted, in practice little has changed. The Government had not determined by year's end which department should implement the new rules, with the practical effect that none of the evicted families were to take up permanent residence in their former homes.

Other Societal Abuses and Discrimination.—The law punishes acts of sodomy and bestiality; however, the law was often used to target, harass, and punish lesbian, gay, bisexual, and transgender persons. Gays and lesbians faced discrimination in all areas of society, including family, work, and education. Activists reported that in most cases, homosexuals who did not hide their orientation were fired from their jobs. Homosexuals also faced physical attacks, rape, and blackmail. Police committed crimes against homosexuals and used the threat of arrest to coerce victims into not reporting the incidents.

Voices Against 377, a high profile campaign to overturn Section 377, which outlaws homosexuality, continued its efforts during the year. On August 27, the Law Ministry rejected the demand of the Health Ministry to legalize homosexuality.

In 2006 the Supreme Court ruled that the Delhi High Court should not have dismissed an earlier case challenging Section 377 brought by two NGOs and returned the case to the Delhi High Court, which began hearings on September 18. The Government opposed the case based upon the Ministry of Home Affairs' view that homosexuality is morally wrong. On November 7, the Delhi High Court allowed litigants one week to present final statements. The case continued at year's end.

On May 21, 40 gay and transgender groups collaborated on a bid for funding from the International Global Fund for AIDS, Tuberculosis, and Malaria (GFATM). The occasion marked the first time the groups had formed a united front to secure benefits for their cause.

On August 28, the Home Ministry informed the Delhi High Court that it was not empowered to issue directions to treat transsexuals as a special class entitled to jobs and other benefits. The Ministry was responding to the Public Interest Litigation regarding the dismissal of Sanju Behra from the CRPF on the grounds of gender ambiguity. Notices were issued to the CISF, Home Ministry, Ministry of Women and Child Development, and the Health Ministry during the year.

In December the central government submitted a report which asserted that legalizing homosexuality would lead to more cases of HIV/AIDS.

In March 2007 the UN Development Program released a report on "launda dancers," young men and boys hired to dance in women's clothing at various events in Bihar and Uttar Pradesh. Dancers were vulnerable to exploitation by being cheated of earnings or being forced into prostitution. Sexual assault and gang rape were frequent, and dancers were at high risk of contracting HIV/AIDS. Some laundas who had illegal castrations to join the hijra (traditional transvestite) community suffered from post operation complications due to inadequate medical care.

According to the National AIDS Control Organization (NACO), the Government agency responsible for monitoring HIV/AIDS, there were approximately 2.3 million persons living with HIV/AIDS in the country, and according to the International Labor Organization (ILO), 70 percent of persons suffering from HIV/AIDS faced dis-

crimination. HRW reported that many doctors refused to treat HIV-positive children and that some schools expelled or segregated them because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing.

NACO, with support from UNAIDS and the WHO, produced revised AIDS estimates that showed as of December 2007 approximately 2.31 million persons were living with the virus and that HIV prevalence among adults was around 0.36 percent. Estimates for previous years (since 2002) have also been revised.

On February 14, an AIDS victim's body was denied cremation in Kendrapara district, Orissa, due to fears the smoke from the funeral pyre would spread the virus.

On August 13, Kerala became the first state to reserve government jobs for HIV-positive candidates.

On August 14, an initiative to provide insurance to persons with HIV/AIDS was launched in Karnataka. The state estimated that 250,000 residents were infected with HIV/AIDS; however, only 22,000 were registered with the main HIV/AIDS NGO, the Karnataka Network for Positive People.

In Karnataka, civil society organizations alleged that since the May elections there was an increased intolerance on the part of police. On October 20, police in Bangalore arrested five hijras on unclear charges. When representatives from Sangama, a Bangalore-based NGO that defends the human rights of sexual minorities, visited the jail, they alleged that both they and the original arrestees were verbally and physically abused, and at least one female representative was assaulted by police officials. The confrontation escalated, and 31 were eventually arrested. The group included women and men who were detained in the same cell, in violation of police code. Cases were pending at year's end, but all those arrested were released within 24 hours on bail. On November 9, Bangalore police issued notices to a number of landlords in the Desarahalli neighborhood alleging that hijras were "indulging in immoral activities on the premises" and demanding that the landlords appear at the local police station. The landlords responded by evicting some 30–40 hijras, many of whom were long-term residents.

In 2006 authorities denied five HIV-positive children admission to the Mar Dionysius Lower Primary School in Kottayam district, Kerala, after pressure from the community. In August 2007 state government authorities readmitted them.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and in practice the Government generally respected this right. However, while the country's active work force was more than 400 million persons, only 30 million persons were employed in the formal sector, with the rest as agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represented agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members were in the formal sector. An estimated 80 percent of the unionized workers were members of unions affiliated with one of the five major trade unions.

In practice legal protections of worker rights were effective only for the organized industrial sector, where authorities generally prosecuted and punished those persons responsible for intimidation or suppression of legitimate trade union activities. Unaffiliated unions were generally not able to secure the protections and rights provided by the law. The 2001 Trade Union Act prohibits discrimination against union members and organizers, and employers were penalized if they discriminated against employees engaged in union activities.

Trade unions have a limited right to strike, and workers exercised this right. The Essential Services Maintenance Act allows the Government to ban strikes in government-owned enterprises and requires arbitration in specified essential industries; however, the act is subject to varying interpretations from state to state. State and local authorities occasionally used their power to declare strikes illegal and force adjudication. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right. Collective bargaining is protected by law, but is limited mostly to the private sector. Public servants have limited organizing and collective bargaining rights. When parties cannot agree on equitable wages, the Government may establish boards of union, management, and government representatives to make a determination. Specialized labor courts adjudicate labor disputes; however, there were long delays and a backlog of unresolved cases.

The law provides workers in export processing zones (EPZs) the right to join trade unions and bargain collectively, although EPZ workers often did not exercise their full labor rights. The Trade Union Act designates the EPZs as “public utilities” and requires a 45-day strike notice.

Entry into the EPZs ordinarily was limited to employees, and entry restrictions applied to union organizers. Unions have not vigorously pursued efforts to organize private sector employees since EPZs were established. Most EPZ workers were women. The International Confederation of Free Trade Unions reported that overtime was compulsory in the EPZs, that workers often were employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers feared that complaints about substandard working conditions would result in their dismissal.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or bonded labor, including by children; however, such practices remained widespread. Offenders may be sentenced up to three years in prison, but successful prosecutions were rare. Enforcement and compensation for victims were the responsibility of state and local governments and varied in effectiveness due to inadequate resources and societal acceptance of bonded or forced labor. When inspectors referred violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently resulted in acquittals. NGOs estimated that there were 20 to 65 million bonded laborers in the country, including a large number of children. The Institute for Socio-Economic Development research found that, in Bihar and Uttar Pradesh, the main form of bonded labor involved agricultural laborers. According to NGOs, non-agricultural sectors that had a high incidence of bonded labor were stone quarries, brick kilns, rice factories, jewelry, beedi making (hand-rolled cigarettes), and carpet weaving.

According to the Ministry of Labor and Employment (MOLE), during the period April 2007 to March, 716 bonded laborers had been rescued and rehabilitated from the states of West Bengal, Uttar Pradesh, Bihar, Madhya Pradesh, and Haryana.

Members of Scheduled Castes and Tribes lived and worked under traditional arrangements of servitude in many areas of the country. In Arunachal Pradesh, the Nishi tribe traditionally subjugated the Sulungs or Puroiks as customary slaves. Local customs and landlessness made the eradication of slavery difficult.

The MOLE partnered with the NHRC and NGOs to investigate allegations of bonded labor. MOLE statistics showed a large decrease in the number of bonded labor cases brought before the courts, although the extent to which this reflected a decrease in bonded labor was unclear.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and bonded child labor; however, the prohibition was not effectively enforced, and forced child labor remained a serious problem. Estimates of the number of child laborers varied widely. The Government's 2004 national survey estimated the number of working children in the age group of five to 14 at 16.4 million. However, NGOs reported the number of child laborers was closer to 60 million.

According to 2001 census figures, 65.3 million (29 percent) of 226 million children between the ages of five and 14 did not receive any formal education. Most, if not all, of the 87 million children not in school worked in the informal sector, often in private homes, with the highest rate (15 percent) in Uttar Pradesh. Child labor continued due to social acceptance of the practice, ineffective state and Federal Government enforcement of existing laws, and poverty. Many officials claimed they were unable to stop this practice because the children were working with their parents' consent. Working conditions often amounted to bonded labor.

According to UNICEF, private companies in Andhra Pradesh reportedly employed 200,000 children in the hybrid seed industry. Most were girls between the ages of seven and 14 from other parts of the state. The majority were Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt-bondage. They were routinely abused, subjected to dangerous pesticides, and denied access to education.

Human rights organizations estimated as many as 300,000 children worked in the carpet industry. Child labor was also used in the following industries: gemstone polishing, leather goods, sari weaving, beadwork, sporting goods, brassware, fireworks, footwear, hand-blown glass bangles, handmade locks, hand-dipped matches, hand-quarried stones, hand-spun silk thread, hand-loomed silk cloth, handmade bricks, roadside restaurants, roadside auto repair, mining, sorting trash for items to resell or recycle, and beedis. A number of these industries exposed children to hazardous work conditions.

According to UNICEF and others, the number of children involved in the silk spinning industry dropped due to competition from China and concerted action by

the state government against employers of child labor. The Government of Karnataka, in partnership with UNICEF, monitored child labor and developed programs to enable former child workers to enter the state-sponsored formal education system.

The NHRC declared the implementation of existing child labor laws inadequate. A child assisting its family is exempt from the provisions of the act, and employers in cottage industries often exploited this to claim that children were assisting their families.

There is no overall minimum age for child labor; however, work by children under 14 is prohibited in factories, mines, domestic work, roadside eateries, and other hazardous industries. In occupations and processes in which child labor is permitted, work by children is permissible only for six hours between 8 a.m. and 7 p.m., with one day's rest weekly. Employers who failed to abide by the law were subject to penalties specified in the Bonded Labor System (Abolition) Act and to disciplinary action at the workplace.

A ruling, effective 2006, prohibits children under the age of 14 from labor in the domestic sector and the hospitality industry, although child labor in some other non-hazardous industries is legally permissible. In 2006 the Delhi High Court ordered the central and state governments to develop a plan to eradicate child labor in the capital area.

The penalty for employers of children in hazardous industries is set at 20,000 rupees (approximately \$430) per child employed, which establishes a welfare fund for formerly employed children. The Government is required to find employment for an adult member of the child's family or pay 5,000 rupees (\$108) to the family. NGOs noted that requiring the Government to pay the family of a child laborer or finding the adult family member a job could be a disincentive to investigating crimes.

The country made moderate progress on addressing child labor during the year. The MOLE raised awareness about child labor and coordinated efforts with states through videoconferences. The MOLE also drafted a Protocol on Prevention, Rescue, Repatriation, and Rehabilitation of Trafficked and Migrant Child Labor to provide practical guidelines relating to trafficked and migrant child labor. The MOLE, through its 250 National Child Labor Projects, rehabilitated more than 400,000 children from child labor situations. The MOLE also continued to expand the list of occupations and activities that are banned from employing children. In September MOLE added nine items including diving, mechanized fishing, food processing, timber handling, and processes involving exposure to free silica.

In February a joint operation launched by the Delhi state government's Labor Department, the Delhi police, and the NGO Bachpan Bachao Andolan rescued 140 child laborers in two separate raids working in the zari industry and factories making photo frames, bangles, and mirror frames.

On October 6, Real Sports India conducted an investigation on child labor. The investigation revealed children as young as six years old working in Jalandhar and Meerut sewing soccer balls. The children were required to work 10 to 15 hours a day and paid two rupees (approximately \$0.04) per hour.

On October 21, Bachpan Bachao Andolan rescued 17 children at Saharsah railway station from being trafficked for child and bonded labor. The rescued children were sent home. Three traffickers were arrested and charged under the IPC; however, two managed to escape.

e. Acceptable Conditions of Work.—State government laws set minimum wages, hours of work, and safety and health standards. The Factories Act mandates an eight-hour workday, a 48-hour workweek, and safe working conditions, which include adequate provisions for rest rooms, canteens, medical facilities, and proper ventilation. The law mandates a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime. These standards generally were enforced in the modern industrial sector; however, they were generally not observed in the vast informal economy, which included nearly 93 percent of the work force.

Minimum wages varied according to the state and to the sector of industry. Such wages were inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act received more than the minimum wage, including mandated bonuses and other benefits. State governments set a separate minimum wage for agricultural workers but did not enforce it effectively. Some industries, such as apparel and footwear, generally did not adhere to a prescribed minimum wage.

The enforcement of safety and health standards was poor, especially in the informal sector. Industrial accidents occurred frequently. Chemical industries had the highest number of accidents. Workers from Scheduled Castes and Tribes often worked as rag pickers, recycling bits of trash under hazardous and generally deplor-

able conditions. Workers from these groups also cleaned sewers and drains of human excrement without proper equipment and under extremely unsanitary conditions.

The NHRC had not reported by year's end on the working conditions in West Bengal tea estates and the alleged starvation deaths that may have occurred in early 2007.

Safety conditions were better in the EPZs than in the manufacturing sector outside the EPZs. The law does not provide workers with the right to leave workplaces that endanger health and safety, without jeopardizing their continued employment. The country's undocumented foreign workers were not extended basic occupational health and safety protections.

KAZAKHSTAN

The Republic of Kazakhstan, with a population of approximately 15.6 million, had a parliamentary system dominated by President Nazarbayev's Nur Otan Party. According to official results, Nur Otan received 88 percent of the vote in the 2007 national elections for the lower house of parliament, winning every seat in the chamber. Local and international observers noted some improvements in the electoral process over past national elections but criticized the elections as falling short of a number of international standards, particularly with respect to the legislative framework and the integrity of the vote counting and tabulation process. The constitution concentrates power in the presidency, permitting the President to control regional and local governments and to exercise significant influence over the legislature and judiciary. Changes or amendments to the constitution require Presidential consent. The civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported: severe limits on citizens' rights to change their government; military hazing that led to deaths; detainee and prisoner abuse; unhealthy prison conditions; arbitrary arrest and detention; lack of an independent judiciary; restrictions on freedom of speech, the press, assembly, and association; pervasive corruption, especially in law enforcement and the judicial system; prohibitive political party registration requirements; restrictions on the activities of nongovernmental organizations (NGOs); discrimination and violence against women; trafficking in persons; and societal discrimination.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the case of the 2006 killing of opposition leader Altynbek Sarsenbayuly and his two associates, in which evidence strongly indicated high level government involvement.

Abuse was common in detention facilities and other institutions. On May 10, police severely beat Valery Issayev while he was in a holding cell. He died from injuries the next day. Authorities charged the supervising officer with abuse. In September the officer was sentenced to seven years in jail.

On August 14, a marine border guard patrol boat opened fire on a fishing boat on the Caspian Sea, killing two civilians. Border authorities claimed that the patrol opened fire as a response to shooting from the boat. The local community and media alleged that there was no need to open fire. An investigation was under way at year's end.

Military hazing led to deaths, suicides, and serious injuries. The Government reported 115 incidents of nonlethal military hazing during the year, compared to 97 in 2007. Three deaths were linked directly to the hazing, as opposed to four in 2007. Seven soldiers committed suicide.

On June 21, Sergeant Yermakhambet Absattarov of the Kapchagai-based Air-Mobile Troops beat and killed conscript Umid Shaiusupov. On November 5, the Almaty Military Court found junior sergeant Absattarov guilty and sentenced him to four years in jail. On August 28, Alexander Nagayev, a conscript from military unit 5451, died in the hospital after another soldier brutally beat him. On December 9, the Karaganda military court sentenced conscript Tleubergenov to seven years in jail.

In February the Pavlodar military court sentenced three soldiers to terms ranging from 18 months to 7 and half years for their involvement in the September 2007 death of military conscript Bek Bashirov.

The number of suicides in the army increased from the previous year. Authorities reported 15 suicides during the first five months of the year, up from seven in 2007. According to Deputy Minister Bolat Sembinov, hazing was the primary reason for the increase in suicides. Authorities suspected that a soldier from unit 78460 killed himself on August 12 after another soldier beat him. Authorities detained a suspect and opened a criminal investigation, which was pending at year's end.

b. Disappearance.—There were no further developments in the case of the March 2007 disappearance of journalist Oralgaisha Zhabaktai-kyzy. In September 2007 the Ministry of Internal Affairs (MIA) concluded that her disappearance was unrelated to her ongoing reporting on official corruption, inter-ethnic clashes, and criminal activity in the Almaty region.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, but police and prison officials at times beat and abused detainees, often to obtain confessions. The procurator general's office (PGO) and the human rights ombudsman acknowledged that torture and other illegal methods of investigation were used by some law enforcement officers. Human rights and international legal observers noted investigative and prosecutorial practices that overemphasized a defendant's confession of guilt over collecting other types of evidence in building a criminal case against a defendant. Courts generally ignored allegations by defendants that their confessions were obtained by torture or duress.

The ombudsman's office reported 1,800 citizen complaints during the first 11 months of the year, 189 of which were allegations of abuse or misconduct by law enforcement.

On April 13, three police officers beat and subsequently detained police sergeant Rasul Zhumaliyev, accusing him of extortion. The beating, allegedly an attempt to extract a confession, was caught on tape by security cameras. The police have not opened a formal investigation.

On May 19, Dmitry Chechil was admitted to the hospital with severe injuries suffered during a three-day detention at a police station. According to Chechil, the police beat him severely and refused his requests for medical attention. The investigation against the police officers was closed for lack of evidence.

On February 1, the investigation into the March 2007 police beating of Alexander Gerasimov concluded. Authorities fired investigator Matashev and gave disciplinary warnings to investigators Barakatov and Almukhambetov but did not pursue criminal cases against the officers.

The PGO reported 115 crimes related to military hazing and abuse of power during the year, compared to 105 in 2007.

A few army personnel continued to subject conscripts to physical and verbal abuse. The Government investigated allegations of conscript hazing and prosecuted soldiers who engaged in this abuse, convicting 75 soldiers during the year. The Ministry of Defense continued ad hoc inspections and required systematic reports from senior officers concerning the hazing situation in their units.

Prison and Detention Center Conditions.—NGOs and international observers reported that prison and detention center conditions did not improve during the year. Observers cited poor treatment of inmates and detainees, and lack of professional training for administrators. In February the Constitutional Council invalidated April 2007 legislative changes that criminalized prisoner protests and self-mutilation.

Prison conditions remained harsh and facilities did not meet international health standards, although the Government renovated three prisons and two detention facilities during the year as part of a penitentiary development program. Scarcity of medical care continued to be a problem. NGOs reported that about half of the inmate population was in need of professional treatment, especially for HIV/AIDS, tuberculosis, and other infectious diseases. Mistreatment occurred in police cells, pretrial detention facilities, and prisons. The Government took steps to address systemic patterns that encouraged prisoner abuse, including continued operation of and increased access for regional penitentiary oversight commissions, training of prison officials, and seminars for MIA police. By year's end, authorities had prosecuted two prison officials for abuses, and they opened 36 investigations for corruption-related offenses, resulting in 24 convictions.

During the first 11 months of the year, the Government reported 48 detainee deaths, including 10 suicides, at pretrial detention facilities, and 44 suicides in prisons.

Incidents of inmates' self-mutilation as a protest against harsh prison conditions and abuse continued, with 66 cases involving 109 inmates reported in 11 months of the year. Of the 66 cases, 16 were group self-mutilation cases.

In January approximately a dozen Karaganda prison inmates went on a hunger strike to protest harsh prison conditions. In April Arshaly prison inmate Yevgeny Futko died after allegedly being beaten by prison guards for his protest against abuse. According to media reports, other prisoners also were beaten severely and hospitalized after they tried to protest against brutality by guards. Prison officials denied any wrongdoing and alleged that Futko died of natural causes.

Civil society activists worked with the Councils for Public Oversight of the Ministries of Justice and of Internal Affairs, as well as the human rights ombudsman's counter-torture working group, to monitor the situation in prisons and detention facilities. However, many observers criticized the councils for lacking independence or any clearly defined authority or power.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but problems remained.

Role of the Police and Security Apparatus.—The MIA supervises the national police force, which has primary responsibility for internal security, including the investigation and prevention of crimes and administrative offenses and the maintenance of public order and security. The Agency for Combating Economic and Corruption Crimes (financial police) has administrative and criminal investigative powers. The Committee for National Security (KNB) plays a law enforcement role in border security, internal security, antiterrorism efforts, and the investigation and prevention of illegal or unregistered groups such as extremist groups, military groups, political parties, religious groups, and trade unions. The KNB also oversees the external intelligence service, Barlau. The financial police and the KNB report directly to the President.

According to a poll released by the PGO's Crime Statistics Committee, 35 percent of the population did not believe that the Government can protect them from infringement of their civil rights and freedoms, specifically infringement by the police and the courts. Public perception of police effectiveness was low, and corruption among law enforcement officers was believed to be high. Authorities fired 183 officers for abuse of power and corruption during the year; 69 of them were fired for corruption. Authorities gave disciplinary penalties to 1,399 police officers.

During the year the Government maintained MIA hot lines and received over 11,000 complaints about police corruption and abuse.

The procurator general chairs a council for coordination of law enforcement operations. Staff includes heads of other law enforcement agencies. Among many things, the council reviews complaints against law enforcement.

The MIA cooperated with NGOs to provide human rights training seminars for police at the local level. The Government cooperated with international organizations to provide limited law enforcement training aimed at decreasing abuse by emphasizing investigative skill development.

Arrest and Detention.—On August 30, legislation implementing a May 2007 constitutional amendment went into effect transferring the power to sanction arrest from the procurators to the judiciary. Procurators continued to have the power to authorize investigative actions such as searches and seizures. The law allows police to hold a detainee for 72 hours before bringing charges. Human rights observers criticized this time period as too lengthy and said that authorities often used this detention to exert pressure and extract confessions. A bail system exists but was not widely used, and many individuals remained in pretrial detention until their trial.

Persons detained, arrested, or accused of committing a crime have the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation; however, police were not required under the law and in practice did not inform detainees that they had the right to an attorney. Human rights observers alleged that law enforcement officials dissuaded detainees from seeing an attorney, gathered evidence through preliminary questioning before the person's attorney arrived, and in some cases used corrupt defense attorneys to gather evidence. The law states that the Government must provide an attorney for an indigent suspect or defendant when the suspect is a minor, has physical or mental disabilities, or is facing serious criminal charges. In practice, public defenders were often poorly equipped to assist defendants.

Procurators reported on continuing problems with arbitrary arrest and detention of citizens. During the first nine months of the year, authorities released 17 persons from illegal pre-trial detention and 675 persons from illegal custody in police offices.

The Government occasionally arrested and detained government opponents and critics, sometimes for minor infractions such as unsanctioned assembly. However, there were no allegations of prolonged detention for political offenses.

e. Denial of Fair Public Trial.—The law does not provide adequately for an independent judiciary. The executive branch limited judicial independence. Procurators enjoyed a quasi-judicial role and were permitted to suspend court decisions.

Corruption was evident at every stage of the judicial process. Although judges were among the most highly paid government employees, lawyers and human rights monitors alleged that judges, procurators, and other officials solicited bribes in exchange for favorable rulings in the majority of criminal cases.

There are three levels in the court system: district, oblast (regional), and the Supreme Court. District courts are the court of first instance in nearly all criminal cases. Regional courts hear cases involving more serious crimes, and may handle cases in rural areas with no local courts. District court decisions may be appealed to the regional courts, and regional court decisions may be appealed to the Supreme Court. There are also military courts. Military courts have jurisdiction over civilian criminal defendants who were alleged to be connected to military personnel undergoing a criminal trial. Military courts use the same criminal code as civilian courts.

The constitutional council rules on election and referendum challenges, interprets the constitution, and determines the constitutionality of laws adopted by parliament. Citizens have no right of direct appeal to the constitutional council.

The Presidentially appointed High Judicial Council recommends nominees for the Supreme Court to the President, who in turn recommends them to the senate for approval. The council makes recommendations to the President for all lower-level judges, but these appointments are made directly by the President. Judges are appointed for life. The parliament may remove Supreme Court judges upon recommendation by the President, and the President may remove lower court judges.

Trial Procedures.—Courts continued conducting jury trials for aggravated murder cases during the year, pursuant to legislation enacted in 2006. Observers noted that the juror selection process was inconsistent, that trial participants lacked knowledge of the new system, and that judges, who deliberate with the jurors, tended to dominate the process. In its report on the monitoring of jury trials, Organization of Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) made a number of recommendations on improvement of the jury trial system, including more impartial selection of jurors, free and open access to trials, standard requirements for equipment in courtrooms to record the proceedings, and development of procedures through which jurors could exclude evidence obtained through torture or cruel or humiliating treatment. During the year courts conducted 30 jury trials involving 46 defendants; jurors convicted 41 defendants and acquitted three.

Trials were public, except in instances that could compromise state secrets, or to protect the private life or personal family concerns of a citizen. However, there were several reports of journalists and observers being denied access to open court hearings. Defendants in criminal cases have the right to counsel and to a government-provided attorney if they cannot afford one. Under the criminal procedure code, defendants must be represented by an attorney when the defendant is a minor, has mental or physical disabilities, does not speak the language of the court, or faces 10 or more years of imprisonment. In practice defense attorneys reportedly participated in only half of all criminal cases, in part because the Government did not have sufficient funds to pay them. The law also provides defendants the right to be present at their trials, to be heard in court, and to call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Human rights activists reported that there were numerous problems in the judicial system, including lack of access to court proceedings, frequent procedural violations, lack of a presumption of innocence, poor explanation of rights to defendants, and the failure of judges to investigate allegations that confessions were extracted through torture or duress. Lack of due process was a problem, particularly in politically motivated trials and in cases where improper political or financial influence was alleged.

Political Prisoners and Detainees.—There were no reports of political prisoners. There were no reports of individuals imprisoned following politically motivated criminal prosecutions based on nonpolitical offenses.

Civil Judicial Procedures and Remedies.—Civil cases are handled by economic and administrative court judges under a court structure that largely mirrors the criminal court structure. The law and constitution provide for the resolution of civil disputes in court. In practice, observers viewed civil courts as corrupt and unreliable. Observers noted that litigants experienced great difficulty in enforcing judgments, particularly if they did not agree to pay a percentage to the court administrator.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, the Government at times infringed on these rights.

The law provides procurators with extensive authority to limit citizens' constitutional rights. The KNB, MIA, financial police, and other agencies, with the concurrence of the PGO, may infringe on the secrecy of private communications and financial records, as well as on the inviolability of the home. Courts may hear an appeal on procurators' decisions but cannot issue an immediate injunction to cease the infringement. The criminal procedure code allows wiretapping and recording of communications, including e-mail and electronic communications, without a warrant only in urgent cases.

Government opponents and their family members continued to report that the Government occasionally monitored their movements and telephone calls.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and of the press; however, the Government used a variety of means, including laws, harassment, licensing regulations, Internet restrictions, and criminal and administrative charges to control the media and limit freedom of expression. Judicial actions against journalists and media outlets, including civil and criminal libel suits filed by government officials, contributed to suspension of media outlets and self-censorship.

The Government limited individuals' ability to criticize the country's leadership, and regional leaders attempted to limit local media outlets' criticism of them. The law prohibits insulting the President and other senior officials. The Government continued to characterize the distribution of pamphlets by Hizb ut-Tahrir (HT), a banned extremist political organization, as incitement for political and terrorist purposes and beyond the bounds of constitutionally protected free speech.

According to government statistics, approximately 21 percent of the 2,810 media outlets were government-owned. Many privately owned newspapers and television stations received government subsidies. The overwhelming majority of broadcast media not owned by the Government, including the larger outlets, were nonetheless owned by holding companies believed to be controlled by members of the President's family or loyal associates. The Government controlled nearly all broadcast transmission facilities. Media observers believed that most of the seven nationwide television broadcasters were owned wholly or partly by the Government. Regional governments owned several frequencies; independent broadcasters arranged to use the majority of these.

All media were required to register with the Ministry of Culture and Information, although Web sites were exempt from this requirement.

The licensing system is not transparent. On January 15, the Government conducted a tender for new licenses, but media watchdogs charged that the Government predetermined the results of the tender and awarded all new television frequencies to companies favored by the Government. On March 21, government-owned Samgau holding bought 49.9 percent of Khabar stock in an auction where neither the names of the bidders nor the prices were orchestrated. Nevertheless, public activists and several politicians criticized the deal as unfair and alleged that the Government orchestrated the process to consolidate its control of the media.

The law limits the rebroadcast of foreign-produced programming to 20 percent of a station's total airtime. This provision burdened smaller, less-developed regional television stations that lacked resources to develop their own programs, although the Government did not sanction any media outlet under this provision.

Harassment of and violence against journalists remained a problem. Press advocacy NGO Adil Soz reported 226 incidents of harassment and violence against journalists during the first 11 months of the year, compared to 227 such incidents during the first 11 months of 2007. Journalists covering organized crime and corruption reported harassment and intimidation by government officials and private actors.

There were no developments in the 2006 beating of Aina Plyus journalist Kenzhegali Aitbakiyev, an attack allegedly connected to the paper's reporting on Kazakhgate, a bribery scandal involving possible illicit payments from foreign companies to senior government officials, including, allegedly, President Nazarbayev.

On September 17, unknown assailants attacked the driver of Dulat Abish, director of the media holding company Aigak, and set his car on fire. Abish told the press that the attack was directly related to his paper's recent critical coverage of a local akim (governor).

On November 28, the KNB searched the home and office of Ramazan Yesergopov, Editor in Chief of the newspaper Alma-Ata Info, after his paper published an article containing ostensibly classified KNB documents. On December 1, KNB agents at-

tempted to take Yesergepov for questioning to Taraz, but he refused to go. The courts ordered Alma-Ata Info to shut down on December 4. The decision was overturned by the court of higher instance, but at year's end the paper was not publishing because its computers were confiscated in the search.

Incidents of government pressure on the media continued. In March the Minister of Culture and Information met with directors of independent media outlets and purportedly instructed them to abstain from publishing stories about President Nazarbayev's former son-in-law Rakhat Aliyev. NGO Adil Soz reported that on March 13, the KNB inspected the opposition newspaper Respublika's printing house allegedly to check if there were any articles being published on Aliyev's case. On May 8, Gulzhan Yergaliyeva, the chief editor of the opposition newspaper Svodoba Slova, received an e-mail with threats that she should stop publishing pieces about Aliyev.

In June the director of the Aktobe oblast's department of internal policy called the editor in chief of the independent newspaper Diapason and recommended that the newspaper not cover the visit of opposition activist Peter Svoik. Raushan Akhan, a reporter from Karaganda's Ortalyk Kazakhstan newspaper, was fired for criticizing the Government. She successfully sued the newspaper and received material compensation, but did not get her job back.

There were no reports of forced outlet closures under the restrictive media law enacted in 2006. Included in the amendment to the media law were tightened government control, requiring media owners to re-register upon any change in editor, address, or frequency of publishing; a ban on those convicted of libel from holding a managing editor position at another media outlet; prohibition on registering an outlet under a name similar to one that was shut down by court action; and imposition of fines against broadcasters for failing to offer the required 50–50 mix of Kazakh- and Russian-language programming time.

The law enables the Government to restrict media content under amendments that prohibit undermining state security or advocating class, social, race, national, or religious superiority, or cruelty and violence. Owners, editors, distributors, and journalists may be held civilly and criminally responsible for content, regardless of the source of information, unless it came from an official source. The Government used this provision to limit freedom of the press. The law prohibits publication of any statement that promotes or glorifies "extremism," a term that international legal experts considered vague and necessary for the Government to define.

The Government subjected media outlets willing to criticize the President directly to intimidation such as law enforcement actions or civil suits. While these events continued to cast a chilling effect on all media outlets, criticism of government policies continued.

The law on state secrets makes it a criminal offense to release information about the health, finances, or private life of the President, as well as economic information such as mineral reserves and government debt owed to foreign creditors. To avoid possible legal problems, media outlets often practiced self-censorship regarding information on the President or his family.

Criminal libel suits could be initiated by private parties on behalf of the Government, and an individual filing such a suit would be able to file a civil suit as well, based upon the same allegations. Officials used the law's restrictive libel and defamation provisions to constrain media outlets from publishing unflattering information. Both the criminal and civil codes contain articles establishing broad libel liability. The fact that owners, editors, distributors, publishing houses, and journalists were held responsible for proving the veracity of published information, regardless of its source, promoted self-censorship at each level. At times fines for libel were exorbitant.

In contrast to previous years, watchdog NGOs reported fewer libel cases, although some government officials still sued journalists for defamation of character. On September 18, a Petropavlovsk court began hearings on a libel suit initiated by the deputy director of the regional police department against Vremya newspaper reporter Victor Miroshnichenko. In a July 10 article, Miroshnichenko claimed the police official was accepting bribes. The trial was ongoing at year's end.

Internet Freedom.—There were no formal government restrictions on access to the Internet, but observers reported that the Government monitored e-mail and Internet activity, blocked or slowed access to opposition Web sites, and planted progovernment propaganda in Internet chat rooms. The country's only Internet service providers, state-owned Kaztelecom and privately owned Nursat, were regulated by the state. Nevertheless, Web sites expressed a wide variety of views, including viewpoints critical of the Government. According to government statistics, there are

600,000 regular Internet users in the country (4 percent of the population). Internet users were primarily urban.

The Agency for Information and Communication (AIC) controlled the registration of .kz domains. The AIC may suspend or revoke registration for failure to locate servers in the country. Observers criticized the registration process as unduly restrictive and vulnerable to abuse.

Media watchdog group Adil Soz and two independent Internet publishers reported that the Government blocking of four opposition-oriented Web sites continued intermittently throughout the year, although three of the four sites remained accessible through servers based outside the country. The blocking began in October 2007 in connection with the publication of audio recordings and transcripts of telephone conversations between high-level government officials.

On July 1, the Almaty courts suspended the Web site posit.kz for three months for allegedly publishing comments that promoted racial, ethnic, or inter-clan discord. The site resumed operation after three months.

Opposition Web site kub.info reported two coordinated cyber attacks against the site on June 30 and July 2. The site's owner, Rashid Nugmanov, alleged that hundreds of computers from locations outside of the country were used to block access to the site. He ascribed the attacks directly to the site's critical reporting concerning the Government.

On August 19, the Shymkent district court ruled that self-described writer and political analyst Nurlan Alimbekov was not competent to stand trial because of a mental illness and ordered the case suspended until his capacity improved. Alimbekov was arrested in August 2007 for inciting religious and ethnic hatred and insulting the President. The charges were based on e-mails sent by Alimbekov. A KNB spokesman had said the Government did not violate privacy laws in obtaining his e-mails because Alimbekov sent them to multiple parties, including foreign diplomatic representatives, and they were eventually forwarded to the Government.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom, although academics, like all citizens, were prohibited from infringing on the dignity and honor of the President.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for limited freedom of assembly; however, there were significant restrictions on this right in practice, and police used force to disrupt peaceful demonstrations. The law defines unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability as national security threats.

Under the laws governing public assembly, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. Opposition and human rights monitors complained that complicated and vague procedures and the 10-day notification period made it difficult for groups to organize public meetings and demonstrations and reported that local authorities turned down most applications for demonstrations. The Government's 2007 Baseline Report on Human Rights in Kazakhstan acknowledged that the laws governing public assembly were vague and agreed that they fell short of international standards. Authorities often detained briefly and fined organizers of unsanctioned gatherings, including political party gatherings.

During the year the authorities dispersed several gatherings organized without preliminary authorization. On March 1, the police detained eight participants in a rally to protest the construction of a new shopping mall on Almaty's Independence Square; local authorities subsequently issued a permit for the rally, but relegated it to the city's outskirts. In April a group of Almaty residents went on a hunger strike after the city administration twice denied their application to hold a rally to protest the seizure of their land plots by the Government. On September 4, Almaty courts sentenced one activist, Aynur Kurmanov, to 15 days in jail and fined three others for holding an unsanctioned political demonstration in Almaty on August 30.

On July 10, an Astana court ruled that the city administration had the right to deny the request of a group of citizens to hold a rally in protest against the demolition of their property. The city denied the request because the proposed location for the protest was allegedly too close to a construction site and thus unsafe.

Freedom of Association.—The law provides for limited freedom of association; however, there were significant restrictions on this right in practice. Any public organization set up by citizens, including religious groups, must be registered with the Ministry of Justice (MOJ), as well as with MOJ branches in every region in which the organization conducts activities. The law requires public or religious associations to specifically define their activities, and associations that act outside the scope of their charter may be warned, fined, suspended, or ultimately banned. Participation

in unregistered public organizations may result in administrative or criminal liability, such as fines, dissolution, probation, or imprisonment.

The prohibition on unregistered organizations often provided a pretext for authorities to interfere with the activities of organizations. Membership organizations, including religious groups, must have 10 members to register at the local level and must have branches in over half of the regions for national registration. Political parties and labor unions were considered member organizations but had additional specific registration requirements. The law requires political parties to have 50,000 signatures, including 700 in each region, and prohibits parties established on an ethnic, gender or religious basis. The law prohibits members of the armed forces, employees of national security and law enforcement organizations and judges from participating in trade unions or political parties.

NGOs reported that the registration process was fairly regularized, although corruption in the registration process was common. NGOs involved in human rights advocacy and political activities faced greater administrative delays and obstacles, although there were no reports that the Government denied registration or shut down organizations.

The 2005 extremism law criminalizes membership in certain prohibited organizations. HT was the only one banned under this law. Although it maintained that it was committed to nonviolence, HT promoted hate and praised acts of terrorism. The party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the various religious groups worshiped largely without government interference; however, local and regional officials attempted on occasion to limit or control the practice of religion by several groups, especially religious communities defined as “nontraditional” by the Government. The constitution defines the country as a secular state and provides the right to decline religious affiliation.

The Government continued to express publicly its support for religious tolerance and diversity; however, the Government publicly criticized “nontraditional” religious groups and called for new legislation to increase its control over missionaries and the dissemination of religious materials. On January 17, President Nazarbayev criticized foreign missionaries and minority religious groups in a public speech, saying they pose a “threat” to society. On November 26, parliament passed a package of amendments to the religion law that would restrict religious freedom. At the year's end, the draft law was awaiting the President's action, which could entail signing the legislation, vetoing it, or sending it to the Constitutional Council for a review of its constitutionality. The Government's enforcement of current laws led to continuing problems for some unregistered groups, since the law imposes mandatory registration requirements on missionaries and religious organizations. While the majority of religious communities worshipped largely without government interference, local officials attempted on occasion to limit the practice of religion by some minority groups.

The generally amicable relationship among religions in society contributed to religious freedom. The country is multiethnic, with a long tradition of tolerance and secularism. In particular, Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. The population, particularly in rural areas, is sometimes wary of religions deemed to be “nontraditional” by the Government. The number of registered religious groups and places of worship increased during the year for virtually all religious groups, except for minority and nontraditional groups.

The religion laws narrow the legal protections for religious freedom found in the constitution. Under the law, religious groups must register both with the central government and in the individual regions in which they have congregations. Missionaries must register annually and be sponsored by a registered religious organization. All supporting materials must be provided with the registration applications; use of materials not vetted during the registration process is illegal. Only registered organizations may act as a legal entity to buy or rent real property, hire employees, or engage in other legal transactions.

In practice most religious communities chose to register with the Government and were successful ultimately in obtaining registration. Minority religious groups sometimes reported long delays in the process. Unregistered religious groups reported an increase in court actions against them and an increase in the level of fines imposed for non-registration. Some religious groups also criticized the intrusive nature of the registration process, which required them to provide information about ethnicity, family status, religious education, employment, and political affiliation.

Minority religious groups reported increased government pressure against their communities. During the year, the Baptist Council of Churches, which has a policy of not seeking registration in former Soviet countries, continued to report new cases against churchgoers for participating in the activities of an unregistered group. According to government statistics, in the first nine months of the year 37 persons were administratively sanctioned for non-registration and other violations of the law. In August the Shymkent administrative court suspended the activities of three chapters of the Jehovah's Witnesses in the south because the chapters allegedly held religious services at venues other than their registered addresses. The decision was overturned by the higher instance court on November 21. The group's Atyrau chapter remained unregistered, as it has been since 2001. Protestant groups reported an increase in intrusive inspections from the financial police.

On December 25, the Almaty district court began hearing the criminal case against Yelizaveta Drencheva, a Russian citizen and Unification Church member, for allegedly promoting the superiority of a group of citizens based on their religion. The case stems from several religious lectures Drencheva gave in April based on the teachings of Sun Myung Moon. The trial was ongoing at year's end.

Observers believed that security officials informally monitored some religious activity, particularly Muslim imams' sermons; however, there were no reports that any monitoring manifested itself in interference or harassment.

The Karasai district government near Almaty continued a campaign to seize title to land used by the Hare Krishna movement. On September 10, Karasai officials filed suit requesting that a court close down the Hare Krishna compound. The Hare Krishna community had been engaged with local authorities on finding appropriate compensation for their land plot. The Hare Krishnas rejected five land plots offered by local authorities because the plots were too far from Almaty, lacked basic utilities, or were unusable for other reasons.

Societal Abuses and Discrimination.—In January government-run media outlets launched a broad campaign against "non-traditional" religious groups, which included biased coverage of Jehovah's Witnesses, Hare Krishnas, and Scientologists. Progovernment newspaper Liter reported that the KNB was investigating the Grace Church for alleged espionage and drug-trafficking. In February the Jehovah's Witnesses reported that local television in Semey ran a negative piece depicting the group's followers as extremists. NGO observers ascribed the campaign to the Government's efforts to build support for stricter legislation on religion.

There were no reports of anti-Semitic acts apart from the distribution of anti-Semitic literature by HT. Leaders of the Jewish community reported no cases of anti-Semitism either by the Government or in society.

For a more detailed discussion, see the 2008 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, but there were some regulatory restrictions. The Government required citizens and foreigners who remained in the country for more than five days to register with the migration police. Foreigners entering the country may register at certain border posts. Registration in most of the country generally was routine; nonetheless, some foreign citizens reported that local authorities regularly requested bribes before completing registration. During the first 11 months of the year the MIA deported 15,795 foreigners for gross violations of the rules of stay; the vast majority of the foreigners were citizens of the Commonwealth of Independent States (CIS).

The Government required persons who were suspects in criminal investigations to sign statements that they would not leave their place of residence, and detained individuals routinely for identity checks without suspicion of a criminal offense.

Although the Government did not require exit visas for temporary travel of citizens, there were certain instances in which exit from the country could be denied, including for travelers subject to pending criminal or civil legal proceedings, unfulfilled prison sentences, or compulsory military duty. Travelers who presented false documentation during the exit process could be denied exit, and authorities controlled travel by active-duty military. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

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

The law provides for the right to emigrate and the right to repatriate, and the Government generally respected these rights in practice. An exception is the law on national security, which prohibits persons who had access to state secrets from taking up permanent residence abroad for five years after leaving government service. The Government required a permanent exit visa for emigration; obtaining this visa

required criminal checks, credit checks, and letters from parents and any dependents expressing no objection to exit visa issuance.

The authorities required foreigners to obtain prior permission to travel to certain border areas with China and cities in close proximity to military installations. The Government continued to declare particular areas closed to foreigners due to their proximity to military bases and the space launch center at Baikonur. In practice foreigners could visit these areas with prior permission from the MIA.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The absence of legislation to implement fully the convention allowed for the selective treatment of refugees, and left many aspects of refugee status unclear, such as whether refugees have a right to work. In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. As in 2007, the Government did not forcibly return any refugees to Uzbekistan during the year.

In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. On April 23, MIA officers detained Rafik Rakhmonov, a citizen of Uzbekistan wanted by Uzbekistani law enforcement for alleged acts of terrorism during the 2005 events in Andijon. UNHCR maintained regular access to him and was able to determine his refugee status during his detention. Rakhmonov was recognized as a refugee under the mandate of UNHCR in June and subsequently released.

The Government generally registered asylum seekers and determined their status, in consultation with the UNHCR, with the exceptions of citizens from the CIS countries or China. Only the President could grant political asylum, and he did not do so during the year. In some cases, the Government allowed asylum seekers and refugees to stay in the country while the UNHCR found third countries that would accept them. Although the Government did register refugees already present in the country, it did not accept any refugees for resettlement. The Government also provided temporary protection to individuals, including some Afghan refugees who may not qualify as refugees under the 1951 convention and the 1967 protocol.

In practice the Government does not grant refugee or asylum status to citizens of CIS countries or China. The Government maintained that citizens of CIS countries cannot by definition need refugee status because of the freedom of movement provided by the visa-free regime in the CIS. CIS citizens are processed under migration laws that give them some renewable temporary status, although not the full protection of refugee status. Citizens from China are not granted any legal status, but they are tolerated informally. Activists reported that, in practice, many refugees from CIS countries and China did not seek formal status. Those who sought protection from UNHCR generally had access to such processes, and the Government generally respected UNHCR refugee certificates.

During the year, UNHCR reported generally good cooperation from the Government in assisting refugees and asylum seekers. The Government usually allowed the UNHCR access to detained foreigners to determine if they qualified for refugee status. The Government was generally tolerant in its treatment of local refugee populations, except for a few citizens from former Soviet republics. The Government often did not allow refugees without passports or those who had entered the country illegally to register, although the UNHCR intervened on behalf of those judged to be asylum seekers under the UNHCR mandate.

The Committee on Migration in the Ministry of Labor continued to work with the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, to review refugee claims. Consistent with the Minsk Convention on Migration within the CIS, the Government did not recognize Chechens as refugees. Chechens were eligible for temporary legal resident status for up to 180 days, like any other CIS citizen. This temporary registration was renewable, but local migration officials have discretion over the renewal process. In some cases, they solicited bribes, exploiting the vulnerability of Chechens arising from their inability to return safely to Chechnya. The Government had an agreement with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors remained concerned about the impact of this agreement on Uighurs from China living in the country, and there were reports of the Government forcibly returning Uighurs to China during the year.

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

The constitution and law provide for a democratic government with universal suffrage for those over 18 years of age; in practice the Government severely limited the right of citizens to change their government.

Although the 2007 constitutional amendments increased legislative authority in some spheres, the constitution continues to concentrate power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The President appoints and dismisses most high-level government officials, including the prime minister, the cabinet, the procurator general, the KNB chief, Supreme Court and lower-level judges, regional governors, and the chairman and two members of the Central Election Commission (CEC), who oversee Presidential and parliamentary elections. The lower house of parliament must confirm the President's choice of prime minister, and the senate must confirm the President's choice of procurator general, chairperson of the KNB, Supreme Court judges, and chairperson of the national bank. The parliament has never failed to confirm a Presidential nomination. Modifying or amending the constitution effectively requires the President's consent. The May 2007 constitutional amendments exempted President Nazarbayev from the two-term limit on Presidential terms.

The Government took steps toward meeting democratic reform commitments it made at the OSCE Ministerial in November 2007. Throughout the year NGOs and political parties provided constructive criticism of draft amendments to laws on political parties, parliamentary elections, and the media. On November 11, the cabinet presented a package of the draft laws to parliament. Some civil society representatives and opposition party members were critical of the proposed legislation and claimed that the legislative process lacked transparency. At year's end the parliament was considering the draft amendments.

Elections and Political Participation.—Elections for the lower house of parliament, the Mazhilis, were held in August 2007. President Nazarbayev's Nur Otan party, the country's dominant political force, received 88 percent of the vote according to official results, winning every seat in the chamber. No other party received the necessary seven percent of the vote to obtain parliamentary seats.

An OSCE election assessment noted several areas of improvement over the conduct of previous national elections, including the participation of multiple parties, increased transparency on the part of the CEC, and greater freedom to campaign. However, the assessment criticized a number of legal provisions related to the election, including excessive requirements for registration of political parties, limitations on the right to seek public office such as 10-year residency and party membership requirements, and a provision allowing the Assembly of People of Kazakhstan—an unelected body whose members are appointed by President Nazarbayev—to choose nine of the 107 members of the lower chamber. In addition, the assessment noted the preferential treatment local authorities and the state media paid to the Nur Otan party and the lack of opposition representatives on election commissions. The assessment also concluded that the vote counting process was not transparent. Opposition leaders said that the campaign environment was better than in previous years, although they reported government interference with their campaigns, including insufficient access to advertising space and unequal access to media and public meeting venues. Opposition leaders filed 400 court cases alleging violations, the overwhelming majority of which were dismissed or denied by the courts.

All registered parties that sought to compete in the August 2007 elections were permitted to do so, although the system introduced by the May 2007 constitutional amendments makes no provision for independent candidates. Political parties must register members' personal information, including date and place of birth, address, and place of employment. This requirement discouraged many citizens from joining political parties. There were credible allegations that persons entering government service were pressured to join the Nur Otan party.

At year's end there were 10 registered political parties, including opposition parties Ak Zhol, Azat (formerly "True Ak Zhol"), the National Social Democratic Party, and the Communist Party of Kazakhstan.

In order to register, a political party must hold a founding congress with minimum attendance of 1,000 delegates from two thirds of the oblasts and the cities of Astana and Almaty. Additionally, parties must obtain 50,000 verified signatures with at least 700 from each oblast and the cities of Astana and Almaty; registration from the CEC; and registration from each oblast-level election commission. The MOJ maintained that even if the number of signatures exceeded the required 50,000, a single error would be grounds for rejecting an application. At year's end registrations were pending for the opposition Alga and Atameken parties, although

both parties submitted their applications in 2006. In response to criticism about the non-registration of Alga and Atameken, the Government maintained that it was investigating numerous complaints from citizens about being added to the party lists without their consent.

The law prohibits parties established on an ethnic, gender, or religious basis.

On December 1, the MIA announced that it was formally pressing criminal charges against three opposition figures—Azat's Bulat Abilov, Shanyrak movement's Asylbek Kazhakhmetov, and Tolen Tokhtasynov—for allegedly concealing the whereabouts of a suspect in a murder investigation. The three denied the charges and claimed the allegations were politically motivated. They further maintained that, if convicted, they would be unable to stand for election until the conclusion of their sentences. At year's end, the cases were under consideration by the PGO.

Azat chairman Abilov remained ineligible to register as an electoral candidate due to his 2006 conviction by the Temirtau City Court for attacking a police lieutenant and insulting a government official during the 2005 Presidential election. Abilov and his supporters claimed the charges were politically motivated. In a separate case, authorities charged him with fraud and tax evasion in connection with earlier business activities. A trial started in 2006, but was adjourned numerous times, and the judge eventually returned the case to the procurators for additional investigation. The trial had not resumed at year's end.

There were two women in the 47-seat senate and 17 women in the 107-member lower house of parliament. There was one woman in the cabinet and one chaired a national agency. Traditional attitudes sometimes hindered women from holding high office or playing active roles in political life, although there were no legal restrictions on the participation of women and minorities in politics. There were 10 non-Kazakhs in the senate, and 27 in the lower house of parliament. There were two non-Kazakh cabinet members. Under the May 2007 constitutional amendments the President gained the ability to appoint 15 members of the senate, with the requirement that the appointments help facilitate representation of different ethnic and cultural groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread, including in the executive branch, various law enforcement agencies, local government administrations, the education system, and the judiciary. The MIA, financial police, KNB, and Disciplinary State Service Commission are responsible for combating corruption. Opposition leaders and human rights NGOs accused the Government of rampant corruption. According to the World Bank's Worldwide Governance Indicators, corruption in the country was a problem.

The Government continued its campaign to address corruption and increased its attention to the problem through educational and public awareness efforts. On January 17, President Nazarbayev publicly initiated an anticorruption campaign, calling on Nur Otan party branches to pursue corruption allegations. The financial police and KNB conduct most corruption investigations under the supervision of the PGO.

Lower and middle-ranking officials and minor political figures were penalized on corruption charges. The Government reported that 562 individuals were convicted on corruption charges during the first nine months of the year; 343 of them were government officials. On September 22, Tax Committee Chairman Nurlan Rakhmetov left his position after the press reported that several mid-ranking officials in his agency took bribes.

The law mandates the Government, public associations, officials, and media outlets provide citizens with information that affects their rights and interests; in practice, citizens' requests for information were not fulfilled in a timely manner.

Although parliament published several draft laws, some parliamentary debates, and occasionally its voting record, many parliamentary activities remained outside public view. Accredited journalists and representatives of public associations may observe some parliamentary sessions via video link from a separate room. Transcripts of parliamentary sessions are not available to the public. Parliament closed to the public and the media its discussion of controversial legislation during the year.

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

A number of domestic and international human rights groups generally operated effectively, with relative freedom to investigate and publish their findings on human rights cases; however, the Government restricted certain activities of most domestic and international human rights NGOs. International human rights groups reported

that the Government continued to monitor the work of NGOs that worked on sensitive issues and noted harassment, including police visits and surveillance of NGO offices and personnel.

The Kazakhstan International Bureau of Human Rights (KIBHR), the Almaty Helsinki Commission, the Republican Network of Independent Monitors, the Charter for Human Rights, Penal Reform International, and Adil Soz were among the most active local human rights NGOs and occasionally faced difficulties in registration and acquiring office space and technical facilities, confronted audits, and bore various legal constraints. The Government subjected employees of local human rights NGOs to harassment and intimidation. In contrast with previous years, the Government increased its cooperation with human rights NGOs on some problems and invited their participation in working groups on draft amendments to the country's media and election laws.

In general the Government did not prevent international NGOs and multilateral institutions dealing with human rights from visiting the country and meeting with local human rights groups and government officials. The Government cooperated with the OSCE and its field mission. The United Nations, International Organization for Migration, and International Red Crescent Society also operated freely in the country.

In August certain NGOs resumed nonpartisan political party training activities.

National security laws prohibit foreigners, international organizations, NGOs, and other nonprofit organizations from engaging in political activities. The law stipulates that a noncommercial organization must provide information to the tax authorities on its founders, activities, and foreign sources of funding, as well as income, property, expenses, and employee records. International organizations are prohibited from funding unregistered entities.

The Presidential Commission on Human Rights is a consultative and advisory body that includes members from the public appointed by the President. The commission reviews and investigates complaints, issues recommendations, monitors fulfillment of international human rights conventions, and publishes annual human rights reports. The commission does not have legal authority to remedy human rights violations or implement its recommendations. On November 21, the commission released a Human Rights Report for 2007. The report contains numerous recommendations for the Government and provided criticism in several areas, including the provision of social and economic rights, political rights, access to fair trial, and right to free association.

The Presidentially appointed human rights ombudsman investigated complaints by citizens of violations of their rights by state agencies, although the ombudsman was not authorized to investigate complaints concerning the President, heads of government agencies, parliament, the cabinet, constitutional council, procuratorgeneral, CEC, or courts. The ombudsman's office had the authority to appeal to the President, cabinet, or parliament to resolve citizens' complaints, to cooperate with international human rights organizations and NGOs, to meet with government officials concerning human rights violations, to access certain facilities such as military units and prisons, and to publicize results of investigations in the media. The ombudsman also publishes an annual human rights report. During the year the ombudsman occasionally briefed the press and issued reports discussing complaints investigated. The ombudsman received 1,800 complaints during the first 11 months of the year but did not report statistics on the number of cases in which the victims' rights were restored. Many of the complaints concerned court rulings over which the ombudsman had no jurisdiction.

Domestic human rights observers noted that while government human rights investigators did some laudable work, particularly with less controversial social problems and issues involving lower-level elements of the bureaucracy, the ombudsman's office and the human rights commission were limited in their ability to stop human rights abuses or punish perpetrators. In addition, observers noted that the commission and the ombudsman avoided addressing underlying structural problems that led to human rights violations.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the Government did not enforce this effectively. Violence against women, trafficking in persons, and discrimination against persons with disabilities, homosexuals, and non-ethnic Kazakhs in government were problems.

Women.—The law criminalizes rape; punishment, including for spousal rape, ranged from three to 15 years imprisonment. The Government reported 489 convictions in criminal rape cases. Under the law procurators cannot initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim files a com-

plaint. Once a complaint is filed, the criminal investigation cannot be dismissed if the rape victim recants or refuses to cooperate further with the investigation. This provision is intended to protect victims from coercion. There were anecdotal reports of police and judicial reluctance to act on rape and spousal rape cases.

Violence against women, including domestic violence, was a problem. There is no specific domestic violence law, but it can be addressed under assault and battery provisions of the criminal code. The maximum sentence for spousal assault and battery was 10 years in prison, the same as for any beating.

The Commission on Gender Issues receives about 30,000 complaints a year from women suffering from domestic violence. According to NGOs, domestic violence was growing. Although official statistics were scarce, activists assessed that every fourth family experienced domestic violence incidents. The Government reported that 11,000 domestic violence crimes were committed during the year. NGOs reported that the actual number of domestic abuse crimes far exceeded the number of cases reported to police and estimated that 40 percent of such crimes went unreported.

Police intervened in family disputes only when they believed that the abuse was life threatening. According to estimates offered by NGOs, the police investigated perhaps 10 percent of such cases.

NGOs reported that women often withdrew their complaints as a result of economic insecurity. When victims pressed charges for domestic violence or spousal rape, police sometimes tried to persuade them not to pursue a case. When domestic violence cases came to trial, the charge was most often for light battery, for which judges sentenced domestic abusers to incarceration at a minimum security labor colony and 120-180 hours of work. Sentences for more serious cases of battery, including spousal battery, ranged from three months to three years imprisonment; the maximum sentence for aggravated battery was 10 years' imprisonment.

According to the Government, there were 25 crisis centers in the country providing assistance to women and two that provided assistance to men. All of the crisis centers were funded through grants to NGOs. In addition, a number of smaller NGOs provided some assistance to victims. Six of the crisis centers also provided shelter for victims of violence.

Prostitution is not prohibited by law, although forced prostitution, prostitution connected to organized crime, and acts facilitating prostitution, such as operating a brothel or prostitution ring, are illegal. During the year the Government investigated 257 prostitution-related crimes; 177 investigations were completed; 172 cases were forwarded to courts and were pending further action at year's end.

Prostitution was a serious problem. NGOs reported that criminal prostitution rings often included local law enforcement officials.

Trafficking in women remained a problem.

Sexual harassment remained a problem. The law prohibits only some forms of sexual harassment, and legal and gender experts regarded the legislation as inadequate to address the problem. There were reports of incidents of harassment, but in no instance was the victim protected under the law, nor were there reports of any cases prosecuted.

The constitution and law provide for equal rights and freedoms for men and women. During the year, however, human rights groups publicly drew attention to the problem of discrimination against women. According to observers, women in rural areas faced greater discrimination than women in urban areas, and suffered from a greater incidence of domestic violence, limited education and employment opportunities, limited access to information, and discrimination in their land and property rights.

Children.—The Government was committed to children's rights, although budget constraints and other priorities limited the Government's effectiveness in dealing with child welfare. In 2006 the Government established a Committee on Protection of Children's Rights within the Ministry of Education and Science.

Education is mandatory through age 16, or secondary school; elementary schooling generally begins at age six. Primary and secondary education were free and universal. The law provides equal access to education for boys and girls. The Ministry of Education and Science estimated 98 percent enrollment of school-aged children. The law provides for access to public education for refugee and illegal migrant children. In some cases, these children were denied access to schools or their parents did not attempt to enroll them out of fear of discovery and deportation.

The law provides for medical care to be provided for all children irrespective of gender, and care was provided in practice.

There were reports of child abuse, although there was no societal pattern. NGOs estimated that more than half of all children under age 14 experienced at least one incident of physical or psychological abuse by adults. Abuse was more common in

rural areas. During the year the MIA permanently terminated custody rights of 855 abusive parents. Minors aged 16 and older have the right to file petitions related to their interests directly with a court.

NGOs reported that a growing number of children in orphanages, boarding schools, and detention facilities for delinquent children were victims of violence, and there were increased media reports on abuses in orphanages and other institutions.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, but it remained a problem. There were some investigations and prosecutions of law enforcement officials for complicity in trafficking, and one official was convicted.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. No reliable statistics were available on the number of victims each year. Many NGOs reported a continued increase in identification of victims, which may be attributed to greater awareness of the problem. In the first eight months of the year, the MIA registered 27 Kazakhstani and 85 foreign victims of trafficking. The International Organization for Migration (IOM) estimated that for every case that is investigated, up to four others go unreported. Individuals were trafficked to the United Arab Emirates, Turkey, Israel, South Korea, Greece, Russia, and Western Europe for purposes of forced labor and sexual exploitation. Men and women were trafficked to and through the country and from the Kyrgyz Republic, Uzbekistan, Tajikistan, Ukraine and South Asia for purposes of forced labor and sexual exploitation.

Traffickers targeted young women in their teens and twenties for sexual exploitation. According to the MIA, some women were recruited with promises of good jobs or marriage abroad. Travel, employment, and modeling agencies often recruited victims through advertisements promising lucrative jobs abroad. Previously trafficked women reportedly recruited new victims personally. Some trafficking victims appeared to be aware or at least suspected that they were going to work as prostitutes but they did not expect to work in slave-like conditions. Many trafficked persons were from Uzbekistan and traveled to their destinations on forged passports obtained abroad.

Adolescents raised in orphanages, regardless of gender, and residents of rural and economically disadvantaged areas were particularly vulnerable to being trafficked.

There was an increase in the number of men trafficked into the country for forced labor from neighboring countries. Officials often did not distinguish between illegal labor migrants and victims of trafficking. There were credible reports of organized criminal trafficking rings bringing construction laborers to Astana and other cities. Employers and trafficking accomplices usually held trafficked workers' passports. Victims reported traffickers used debt bondage, violence, or threats of violence to compel them to work.

NGOs suspected organized crime was involved in all forms of trafficking.

During the year the Government ratified the 1926 League of Nations' Slavery Convention, the 1953 Amendments to the Convention, the 1956 Supplementary Convention, as well as the 2000 UN Convention Against Transnational Crime, including its protocols against human trafficking and smuggling. In 2006 the Government enacted a comprehensive set of legislative amendments to strengthen its ability to investigate, prosecute, and convict traffickers. These amendments also included provisions to increase the amount of resources devoted to victim protection and prevention.

The Ministries of Justice, Internal Affairs, Foreign Affairs, Labor and Social Welfare, Education and Science, Culture, Information and Sports, the KNB, the National Commission on Family Issues and Gender Policy, and the procurator general all have some responsibility for combating trafficking.

Trafficking is punishable by a maximum seven-year prison term. If a minor is involved, the maximum penalty increases to 10 years' imprisonment. The maximum penalty increases to 10 years' imprisonment if a victim was trafficked abroad and to 12 years' if the victim was a minor. The maximum penalty is 15 years' imprisonment for cases involving an organized crime syndicate, the death of a victim, or other "grave consequences" incurred by the victim.

During the year the number of successful prosecutions for trafficking increased to 20, compared with 19 in 2007.

The Government cooperated with authorities in both destination countries and source countries. Embassies assisted victims of trafficking. In the first nine months of the year, the Ministry of Foreign Affairs assisted in the repatriation of eight citizens.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials, including migration and border officials, contributed to trafficking.

The law provides trafficking victims with temporary resident status to ensure their safe repatriation or participation in trafficking prosecutions. Trafficking victims are not considered illegal immigrants under the law and generally were not deported or otherwise penalized. NGOs working with foreign trafficking victims reported government cooperation in providing administrative support for repatriation of identified trafficking victims.

The Government provides some victim protection and assistance, although significant gaps remained in the level of assistance needed by victims. In the first nine months of the year, the Government provided financial assistance to 24 trafficking victims who participated in 10 different criminal proceedings. The assistance included security, food, lodging, and medical services. NGOs ran two crisis support centers that provided legal and material assistance and counseling, under memoranda of understanding with the Government. In some cases the Government provided NGOs with reduced rate leases and other limited support. In general, NGOs reported good cooperation with government officials in coordinating assistance for trafficking victims.

IOM, in conjunction with 16 NGOs across the country, continued an information campaign on the dangers of trafficking and maintained victim hotlines. The MOJ continued to maintain separate national hot lines for trafficking victims to report crimes and to receive information. The Government provided special training for law enforcement and other government officials to improve their abilities to recognize, investigate, and prosecute instances of trafficking. The MIA continued enrolling migration police and criminal police in a comprehensive antitrafficking training program at the Study Center for Specialists on Combating Illegal Migration and Human Trafficking.

The MIA conducted spot investigations at hotels, saunas, and employment agencies for trafficking activities. The PGO enforced mandatory licensing for tourist agencies and conducted inspections throughout the year to uncover agencies involved in trafficking.

The Government encouraged media to publish and report on antitrafficking efforts. The Government continued airing a series of public service announcements (PSAs) provided by international organizations in Russian and Kazakh. Public and private media were required to air these PSAs.

The Ministry of Education and Science reported that curriculum of all high schools and colleges included trafficking awareness segments. According to the ministry, most universities had information and analysis centers that dealt with trafficking awareness issues, among other topics. As part of the National Action Plan, a chapter on trafficking in persons was introduced in secondary school curricula.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to healthcare, and in the provision of other state services and requires companies to set aside three percent of their jobs for persons with disabilities. International and local observers note some improvement in the situation regarding the rights of persons with disabilities. However, there were reports that discrimination was a problem, and persons with disabilities faced difficulty integrating into society and finding employment. The law mandates access to buildings for persons with disabilities, and during the year several persons with disabilities successfully sued management of government and commercial buildings for lack of appropriate access. Persons with disabilities had difficulty accessing public transportation.

Citizens with mental disabilities could be committed to state-run institutions without their consent or judicial review. In practice, however, the Government committed persons at a young age with permission of their families. Institutions were poorly managed and inadequately funded. NGOs reported orphanages for children with physical and mental disabilities to be overcrowded and unsanitary, with insufficient staff to care adequately for children's needs. Despite significant economic growth and government expenditure on construction and infrastructure projects, KIBHR observed that the Government provided almost no care for persons with mental disabilities.

The Government did not restrict the right of persons with disabilities to vote, and arranged home voting for individuals who could not travel to polling places as a result of their disability. The Ministry of Labor and Social Protection was the primary government agency responsible for protecting the rights of persons with disabilities; the Ministries of Health and Education also assisted in their protection.

National/Racial/Ethnic Minorities.—The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment, although the number

of non-Kazakhs in ministerial positions increased. According to a public poll during the year, 23.7 percent of self-reported minorities experienced ethnic prejudice and hostility; 14.4 percent encountered incidents of insult, humiliation or other offenses; and 11.8 percent were discriminated against regarding employment or job dismissal. There were fewer complaints of discrimination regarding school enrollment, and fewer concerns about the activities of nationalist organizations and nationalist propaganda in the media.

Kazakh is the official state language, although organizations and bodies of local self-administration may officially use Russian on an equal basis with Kazakh. The language law is intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages. By law the ability to speak Kazakh is not required for entry into the civil service; however, the majority of government agencies have technically switched to conducting business in Kazakh, which elicited protests from non-Kazakh speakers about language discrimination. Among other forms of discrimination, critics mentioned a scarcity of representatives of non-Kazakh ethnicities in the Government and a reduction in the number of Russian-language schools.

Other Societal Abuses and Discrimination.—Although there were no official statistics on discrimination based on sexual orientation, there were reports of such discrimination. Representatives of international organizations reported that negative social attitudes towards marginalized groups, including homosexuals, impeded these groups' willingness to come forward and, consequently, hindered their access to HIV/AIDS programs.

The law prohibits discrimination against persons with HIV and AIDS; however, observers reported that cultural stigmas against drug users and other at-risk groups continued to affect general access to information, services, treatment, and care.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize and form unions freely. Following a widely publicized mining accident in Satpayev and subsequent strike in January, the Government launched a pro-union campaign intended to empower workers to more effectively protect their workplace rights. Independent union organizers saw this as a significant change in policy. However, organizers reported that the Government continued to restrict the right to organize and that most workers were not able to join or form trade unions of their choice. The Government exercised considerable influence over organized labor and favored state-affiliated unions over independent unions. The largest trade union association, the Federation of Trade Unions, successor to formerly state-sponsored Soviet era labor organizations, remained affiliated with the Government in practice. At least one-third of the workforce was unionized.

To obtain legal status, a trade union must apply for registration with the MOJ. The registration procedure is broadly similar to that of other membership organizations.

The law prohibits the operation of foreign unions and prohibits the financing of unions by foreign legal entities and citizens, foreign states, and international organizations.

Workers are protected by law against antiunion discrimination, but in practice there were violations of this right. Union activists reported a case of an independent miners' union that was forced to close based on a legal technicality. Its members were warned not to regroup on the risk of losing their jobs and extensive social benefits. According to union activists, the group has since participated in collective bargaining, and has since formed an NGO that remains unrecognized by local authorities. Union leaders also reported cases of large employers creating conditions unfavorable to union formation and collective bargaining.

b. The Right to Organize and Bargain Collectively.—The law protects the rights of unions to conduct their activities without interference. The law permits collective bargaining and collective agreements; unions and associations engaged in collective bargaining in practice. The Government increased efforts to encourage collective bargaining, although union leaders still reported government pressure in labor negotiations. According to the Ministry of Labor and Social Protection, as of July 31, collective bargaining agreements were concluded with 83.2 percent of large enterprises, 84.1 percent of medium-sized enterprises, and 14.3 percent of small enterprises. While noting the promising trend, activists stressed that political pressure was driving the rapid conclusion of such agreements.

Union demands unacceptable to management could be presented to a tripartite commission, composed of the Government, employer associations, and labor union representatives. The tripartite commission is responsible for developing and signing

annual agreements governing most aspects of labor relations. The labor law provides for an individual contract between employers and each employee.

The law provides for the right to strike, but exercising this right is subject to numerous legal limitations; the Government maintained a list of industries and enterprises providing essential services where strikes were permitted only under limited conditions. In general, workers may strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. Striking workers must give a mandatory 15-day advance notice to employers. The law neither sanctions nor prohibits the firing of employees for participation in an illegal strike. In practice there were reports of employers providing arbitrary justifications when firing employees attempting to organize strikes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, except at the sentence of the court or in conditions of a state of emergency or martial law, but there were reports that such practices occurred. Increasingly a destination country for migrant workers, there were reports that some employers abused migrant workers by confiscating their passports or using debt bondage, violence, or threats of violence to compel them to work.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. The minimum age for employment is 16 years; children between 14 and 16 years can perform, with parental permission, light work that does not interfere with their health or education. The law also restricts the length of the work day for employees under the age of 18. The Government conducted labor inspections to enforce the minimum age for employment, but enforcement was uneven.

The Government concluded an agreement with national employer associations that committed to eradicate the use of forced labor and the worst forms of child labor, and to develop alternative employment opportunities for children and their families. The Ministry of Education's 2007–11 "Children of Kazakhstan" program addressed child labor issues. However, NGOs contended that the Government's efforts were insufficient to address fully the use of child labor, specifically in cotton production.

The Government did not maintain statistics on child labor. NGOs and activists reported child labor occurred routinely in agriculture, especially during harvest season. Children were involved in cotton growing and tobacco growing. Labor conditions frequently presented a physical health risk. Many child workers lacked the proper clothing to protect them from harmful chemicals used in agriculture and harsh weather conditions. In urban areas, the country's increasingly formalized labor market led to a decrease in many forms of child labor. However, there were reports of children begging, unloading freight, delivering goods in markets, washing cars, and working at gas stations. There were also reports of children exploited in prostitution and pornography. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MIA is responsible for investigating criminal offenses. In the first 10 months of the year the Government reported that there were no crimes related to illegal child labor. In 2005 the Government began implementing a three-year International Labor Organization program to eliminate child labor. As part of the program, the Government worked actively with NGOs to conduct a 12-day national campaign in June to raise awareness of child labor and focus attention on preventing it. The Government also cooperated with trade unions, employers, and NGOs during the year to raise awareness and promote interagency cooperation in eliminating child labor.

Trafficking in children was a problem.

e. Acceptable Conditions of Work.—The national monthly minimum wage of 10,515 tenge (approximately \$87) did not provide a decent standard of living for a worker and family; however, it was common for working class families to have more than one wage earner, and most workers earned above minimum wage in urban areas. Although the minimum monthly subsistence during the first part of the year was lower than the monthly minimum wage, the minimum monthly subsistence averaged 11,270 tenge (approximately \$93) during the same period.

The law stipulates the normal workweek should not exceed 40 hours and limits heavy manual labor or hazardous work to no more than 36 hours a week. The law requires that overtime not exceed two hours in a calendar day or one hour a day for heavy manual labor, and requires overtime to be paid at a rate of no less than one and a half times normal wages for hours over the normal workweek. Overtime is prohibited for work in hazardous conditions. The law provides that labor agreements may stipulate the length of working time, holidays, and paid annual leave for each worker.

The Ministry of Labor and Social Protection enforced minimum wages, work hour restrictions, and on overtime established by the labor law. The Ministry of Labor and Social Protection inspectors conducted random inspections of employers in an effort to enforce the laws and regulations under their purview. Labor advocates reported that some employers regularly violated these laws.

The law provides for the right to safe and hygienic working conditions, but working and safety conditions in the industrial, agricultural, and construction sectors were often substandard. Workers in factories usually lacked protective clothing and worked in conditions of poor visibility and ventilation.

There were reports of management ignoring regulations concerning occupational health and safety which were not well enforced by the Ministry of Labor and Social Protection. In the first 11 months of the year, the ministry reported making 13,057 inspections and identifying 104,228 violations. Most of the violations were relatively minor, although the Government imposed fines totaling 118,837,000 tenge (approximately \$987,018). In addition to the inspections by the Ministry, unions conducted inspections of unionized enterprises and reported their findings to authorities for investigation. The law requires employers to suspend work that could endanger the life or health of workers and to warn workers about any harmful and dangerous work conditions and about the possibility of any occupational disease. The law specifically grants workers the right to remove themselves from situations that endanger their health or safety without losing their job. In practice some workers, particularly in the construction industry, were not free to exercise this right without jeopardizing their employment.

During the first 11 months of the year, the Government reported 2,184 workplace injuries, in comparison with 1,552 during the same period in the previous year. The Government reported 370 workplace deaths during the first 11 months of the year, marking an increase over 2007 when a total of 217 deaths were reported. According to officials at the Federation of Trade Unions, many of these deaths are due to antiquated equipment, Soviet-era infrastructure, and disregard for safety regulations in the mining and metallurgy sectors.

KYRGYZ REPUBLIC

The Kyrgyz Republic's October 2007 constitution defines the country as a sovereign, unitary, democratic, social state based on the rule of law. The country, with a population of approximately 5.3 million, has an elected President, an appointed prime minister and cabinet, and an elected parliament. According to independent election observers, the December 2007 parliamentary election failed to meet many of the country's international commitments and was marred by significant obstacles for opposition parties and the use of government resources to benefit specific political interests. Three parties are represented in parliament, with the pro-Presidential Ak Jol party holding 71 of the 90 seats. Civilian authorities generally maintained effective control over the security forces, although there were isolated cases of serious human rights abuses.

The following human rights problems were reported: restrictions on citizens' right to change their government; torture and abuse by law enforcement officials; impunity; poor prison conditions; arbitrary arrest and detention; lack of judicial independence; pressure on nongovernmental organizations (NGOs) and opposition leaders, including government harassment; pressure on independent media; government detention of assembly organizers; refoulement of Uzbek refugees; pervasive corruption; discrimination against women, persons with disabilities, ethnic and religious minorities, and homosexuals; child abuse; trafficking in persons; and child labor.

Prison conditions improved as authorities promoted the proper handling of prisoners, and prison tuberculosis (TB) mortality rates decreased. The Government also took steps to tackle systemic corruption in the public sectors, including arresting several government officials on charges of corruption.

RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the investigation of the October 2007 shooting death of the ethnic Uzbek Kyrgyz national and independent journalist, Alisher Saipov, known for writing articles critical of the Uzbek government. The investigation continued at year's end.

In December 2007 the Supreme Court upheld the Naryn Oblast Court decision to overturn the acquittal of two police officers in the 2006 death in custody case of Akylbek Sakeyev and to forward the case to the Naryn Oblast Prosecutor's Office for a new investigation. Due to his family's refusal to allow Sakeyev's body to be exhumed for examination, the prosecutor's office closed the case.

On July 3, Almazbek Sagaliyev, a private in the military unit No. 29713, died of injuries that allegedly resulted from beatings by higher ranking servicemen. The military prosecutor's office opened an investigation into the case.

There were no developments in the 2006 killing of Imam Mukhammadrafiq Kamalov by security forces or in the 2006 killing of Aibek Alimjanov, deputy of the Osh City Council and leader of the Uzbek Cultural Center in Osh.

On July 16, the Sverdlovski District Court reopened the cases of Makhmudjan Ruzimetov and Sabyrkul Batyrov and sentenced them to 20 years of imprisonment for the 2005 murder of parliamentarian Bayaman Erkinbaev.

b. Disappearance.—There were no reports of politically motivated disappearances. Ruslan Shabatoyev, a member of parliament for the opposition Social Democratic Party of Kyrgyzstan, disappeared during the night of September 30, and has not been heard from since. There is an ongoing investigation, and at year's end, no information had emerged that his disappearance was politically motivated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police and State Committee on National Security (GKNB) forces employed them. At times police beat detainees and prisoners to extract confessions.

On July 23, the Bishkek newspaper Tribuna reported that officials fired seven police officers and opened criminal cases against an additional two officers in the Issyk-Kul Oblast for alleged use of torture.

No further information was available in the court case against two Naryn City police officers accused of negligence in the April 2007 death of Bektemir Akunov, a participant in opposition-led demonstrations in Bishkek. According to the official autopsy report, he hanged himself in his cell, but independent experts reported finding signs of torture on Akunov's body. The city courts convicted one of the two Naryn City police officers, Bakyt Kojomberdiev, of criminal negligence and sentenced him to three years' imprisonment. The ruling was later reduced to a one-year suspended sentence.

June 2007 changes to the criminal code abolished the death penalty, replaced life imprisonment with 30-year prison terms, and provided for alternate punishments to incarceration.

The Committee of Soldiers' Mothers, a nongovernmental organization (NGO) reported seven registered cases of military hazing during the year, including physical abuse and extortion by noncommissioned officers. Military authorities took steps to deal with the problem, providing psychological support and legal advice to all servicemen and medical treatment and legal protection to the victims of hazing. The NGO questioned the quality of the psychological and legal assistance.

There were no further developments in the military prosecutor's investigation into the July 2007 stabbing of Ministry of Internal Affairs (MIA) soldier A. Esenaliyev.

In February 2007 the military court in Kadamjay convicted Nachmidin Mirzayev and Saparaly Karabayev of injuring Gairat Torakeldiyev, a fellow serviceman of the National Border Service, in a hazing incident in 2006. In November 2007 after three appeals of the case, the military prosecutor's office decided to halt the criminal proceedings against Mirzayev and Karabayev due to a lack of evidence. No further information was available at year's end.

Prison and Detention Center Conditions.—Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care, limited disease prevention facilities, and lack of heat and other necessities. Nevertheless, morbidity and mortality rates continued to decline, particularly those resulting from tuberculosis (TB). As of October 1, the prison population was approximately 9,750; 740 persons had TB, down from 1,400 in 2007. In the first nine months of the year 74 prisoners died; 30 of those from TB.

Male and female prisoners were held separately. Juveniles were generally held separately from adults but were occasionally held with adults in overcrowded temporary detention centers. There are no special prisons for political prisoners because there is no legal definition of a political prisoner. At times convicted prisoners were held in pretrial detention centers when their cases were accepted for appeal.

The Government continued to permit domestic and international human rights observers to visit prisons. The Government allowed the International Committee of the Red Cross (ICRC), Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights (OSCE/ODIHR), and the NGO Penal Re-

form International to visit detainees in Ministry of Justice and GKNB prisons and temporary detention centers. Although the Government abolished the death penalty in 2007, the ICRC continued to conduct visits to prisoners formerly on death row.

According to an August 5 Internet Press Service (IPS) interview, Ombudsman Tursunbek Akun stated that the country's prison conditions "do not meet the minimum international prison living standards."

On March 3, 20 inmates of the Karakol No. 3 prison sewed their mouths shut and began a hunger strike demanding improvements to food and medical care, use of cellular telephones, and access to the penitentiary grounds for walks. After lengthy negotiations with prison officials, the hunger strikers ended the protest peacefully.

On August 14, prisoners rioted in Belovodskoe No. 16 prison, resulting in the deaths of two prison officers and two prisoners.

The minister of justice was dismissed on September 10 following allegations of mismanagement in prisons.

The NGO Citizens Against Corruption monitored prisons Number 1, 3, 14, and 16 during the year and reported poor living conditions, corruption of prison personnel, drug activity, and excessive use of force by both prison and investigative officials.

Pretrial and temporary detention facilities were particularly overcrowded, and conditions and mistreatment generally were worse than in prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, police at times used false charges to arrest persons and solicited bribes in exchange for their release.

Role of the Police and Security Apparatus.—Law enforcement responsibilities are divided between the Ministry of Internal Affairs (MIA) for general crime, the State National Safety Committee (GKNB) for state-level crime, and the Prosecutor's Office for both types of crimes. The payment of bribes to avoid investigation or prosecution was a major problem at all levels of law enforcement. The Government took steps to address corruption in the police force, including public commitments to fight corruption and a 50 percent increase in officers' salaries.

Police impunity remained a problem; however, MIA officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. During the first six months of the year, the MIA's internal investigations unit received 594 complaints from citizens about law enforcement officers. Internal investigations were conducted in 378 of those cases; 17 subsequent criminal cases were opened; and 34 officers were dismissed.

According to the Ombudsman's Office, 58 criminal cases were opened on employees of the MIA, GKNB and Financial Police Service, and 43 of them were found guilty.

Arrest and Detention.—On July 14, the parliament passed amendments to the criminal procedure code, returning many judicial powers to prosecutors, including authority to issue search and seizure warrants. The amendments partially reverse a June 2007 law that transferred those powers to the courts. Prosecutors have the burden of proof in convincing the judge that a defendant should be detained pending trial. On September 5, the parliament approved amendments to Article 97 of the code, which reduced the detention time for murder suspects from 72 to 48 hours before releasing them or charging them with a crime. The 72-hour limit was generally enforced in practice. The law requires that investigators notify a detainee's family within 12 hours of detention; however, this requirement often was not observed in practice. There were no reports of incommunicado detention of prisoners. The courts have the discretion to hold suspects in pretrial detention for as long as one year, after which the courts are required to release the suspect.

All persons arrested or charged with crimes have the right to defense counsel at public expense. By law defense counsel can see the accused immediately, but in practice the first meeting often did not happen until trial. Human rights groups noted that arrested minors were usually denied lawyers, often held without parental notification, and questioned without parents or lawyers present, all despite laws to the contrary. Children often were intimidated into signing confessions.

The law authorizes house arrest for certain types of suspects. There were reports that law enforcement officials selectively incarcerated persons suspected of minor crimes, while other persons suspected of more serious crimes remained at large. There was a functioning bail system.

On February 22, the Bishkek Pervomaisky Court judge acquitted Jyparkul Arykova, a senior staffer of the parliamentary press service arrested in June 2007 on charges of espionage and high treason but convicted her of passing secret information to a foreigner and sentenced her to three years in prison.

The Government continued to express concern about perceived extremist groups with radical religious or political agendas. Although the banned extremist political organization Hizb ut-Tahrir (HT) maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including in Central Asia, to be replaced with a worldwide Islamic government. The Prosecutor General's Office reported that, during the first 10 months of the year, it opened 43 criminal cases on religious extremism.

Amnesty.—An August 5 one-time amnesty to female and minor prisoners convicted of minor crimes resulted in the release of 32 prisoners and reduced sentences for 358 prisoners.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the executive branch at times interfered with the judiciary. Lawyers and citizens commonly believed that judges were open to bribes or susceptible to outside pressure, and low salaries remained a contributing factor.

Cases originate in local courts and can move to appeals courts at the municipal or regional level and finally to the Supreme Court. There were separate military courts as well as a separate arbitration court system for economic disputes. Civilians may be tried in a military court if one of the codefendants is a member of the military. Military court cases can be appealed to a military appellate court and ultimately to the Supreme Court. The Constitutional Court is limited to constitutional questions and cannot intervene with other courts except concerning constitutionality. The court has specific authority to determine the constitutionality of NGO activities, political parties, and religious organizations. Traditional elders' courts handle property and family law matters and low-level crime. Local elders' courts are under the supervision of the Prosecutor's Office but do not receive close oversight because of their location in remote regions. However, their decisions can be appealed to the corresponding regional court. Military courts and elders' courts follow the same rules and procedures as general courts.

The President nominates and parliament approves justices to the Constitutional Court; justices to the Supreme Court are nominated by the National Council for Judicial Affairs (NCJA) and approved by the President and parliament. The President can propose the dismissal of Supreme and Constitutional Court justices, subject to a two-thirds vote by parliament. The NCJA nominates and the President appoints local judges, who can be relieved of duty by the President at the proposal of the NCJA.

Trial Procedures.—State prosecutors bring cases before courts, and judges direct criminal proceedings. A criminal case is conducted by one judge; appellate cases, by three judges. The defendant may refuse attorney support and defend himself. If a court renders a case indeterminable, it is returned to the investigative bodies for further investigation, and suspects may remain under detention.

The law provides for defendants' rights, including the presumption of innocence. In practice, however, such rights were not always respected. The judicial system continued to follow customs and practices in which there was no presumption of innocence, and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The law provides for an unlimited number of visits between an attorney and a client. Official permission for such visits is required and usually granted.

The law permits defendants and counsel the right to access all evidence gathered by the prosecutor, attend all proceedings, question witnesses, and present evidence. However, these rights were not always respected in practice. Witnesses generally have to present their testimony in court; however, under certain circumstances testimony can be presented at trial via audio or video recording. Indigent defendants were provided attorneys at public expense.

At year's end, the Government had not implemented the June 2007 changes to the law on trials allowing for juries. Defendants and prosecutors have the right to appeal the court's decision. The law provides for transparency of court proceedings. Generally, trials are open to the public, unless state secrets or the privacy of defendants are involved; however, even in closed proceedings, the verdict is announced publicly.

On November 27, the Osh regional court convicted 32 ethnic Uzbek and Kyrgyz Muslims for their involvement in an October 1 protest in Nookat following local authorities' decision to ban a public gathering for the Muslim holiday Orozo Ait (Eid al-Fitr). They received lengthy sentences ranging from nine to 20 years in prison. Court authorities denied access to observers and family members of the accused until the third day of the five-day trial. Human rights activists claimed that the defendants had inadequate legal counsel and planned to assist the defendants in appealing their verdicts.

On March 7, the Bishkek Military Court convicted former parliamentarian and governor of Jalalabad Oblast, Sultan Urmanayev, for his involvement in the shooting deaths of six protesters in Aksy in 2002. Urmanayev received a suspended sentence of five years and three years of probation. In 2007 the prosecutor general charged five government officials in relation to the Aksy event. The military courts convicted two midlevel officials and acquitted a former deputy minister of internal affairs. The trial for the fifth suspect, Amanbek Karypkulov, had not begun by year's end.

Political Prisoners and Detainees.—Authorities again released Adilet Aitikeyev of the Kanjar Youth Movement under orders not to leave Bishkek. In December 2007 prosecutors forwarded to the court Aitikeyev's case in connection with the April 2007 antigovernment demonstrations. The courts eventually found Aitikeyev guilty but passed a suspended sentence and released him. The trials for two other participants in the April 2007 protests, Bolotbek Suyerkulov and Bakytbek Saptayakov, were pending at year's end.

Prisoners arrested in connection with political activity received the same protections as other prisoners.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, citizens believed the civil judicial system was subject to outside influence, including from the Government. Local courts address civil, criminal, economic, administrative, and other cases. The Supreme Court is the highest judicial authority.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government at times violated these prohibitions. The law requires approval from the prosecutor general for wiretaps, home searches, mail interception, and similar acts.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, although the Government at times restricted these rights in practice. During the year reports of lawsuits against opposition newspapers increased.

On June 3, President Bakiyev signed a law on television and radio broadcasting that placed significant regulations on broadcast companies and established new Kyrgyz-language and local content requirements. Human rights activists asserted that the law is unconstitutional because it conflicts with constitutional rights. The law also kept state control over the State Radio and Television Company, rather than creating a national public interest broadcaster as the President had previously pledged to do.

There were continued reports of media harassment. The NGO Committee to Protect Journalists (CPJ) reported several incidents of opposition news media facing harassment by security agents. In contrast to 2007, there were no reports of cases of violent attacks on journalists or cameramen.

On October 8, the Kyrgyz National Television and Radio Broadcasting Corporation (NTRK) ended transmissions for Radio Free Europe/Radio Liberty's (RFE/RL) Kyrgyz Service, known as Radio Azattyk. The state-run broadcasting corporation also cancelled two TV Azattyk news shows. The NTRK said that the cancellations were due to RFE/RL's failure to meet its financial obligations, but it also criticized RFE/RL programs for favoring the political opposition, and it did not restore transmission after RFE/RL showed that it had paid all outstanding bills. On December 1, the NTRK also withdrew broadcasting rights for the BBC's Kyrgyz language service. BBC broadcasts resumed December 10, but its contract was not officially renewed. At year's end Azattyk's productions were still off of NTRK channels, but some private FM channels continued to broadcast Radio Azattyk.

On August 26, Radio Azattyk reported that Osh City Deputy Mayor Ainura Shayimkulova filed a defamation case against the Jany Zaman newspaper for insulting her honor and dignity. The following day, Azattyk reported that Erkin Kojogeldiyev, editor-in-chief of Jany Zaman, filed a counter-suit against Shayimkulova.

A December 17 RFE/RL article reported that Cholpon Orozobekova, editor-in-chief of De Fakto newspaper, was seeking asylum in a European country. On June 14, local media reported that police officers raided the newspaper's office and confiscated five computers and documents. The Bishkek Prosecutor's Office opened a criminal case against the newspaper and Orozobekova, on charges of deliberately publishing false statements accusing the head of the Kyrgyz Taxes and Duties Committee of corruption. Orozobekova suspended publication following a second office search and the freezing of the newspaper's bank accounts. At the first hearing of

the case on July 28, the district court judge sent it back to the prosecutors for further investigation.

On September 9, police arrested Alibi editor-in-chief Babyrbek Djeenbekov on the charge of “failing to comply with a court ruling” regarding a lawsuit against Alibi and De Fakto by the President’s nephew. The June 2 ruling by the Pervomaisky District Court ordered both newspapers to print a retraction and pay 1,000,000 soms (\$29,000) to the plaintiff. Authorities opened a criminal case against Djeenbekov for failing to obey the June court order, punishable by up to two years in prison. Djeenbekov claimed the arrest was illegal because he was a candidate for local office and by law, candidates can be arrested only with the consent of the Central Election Commission. The authorities released Djeenbekov on September 11, and on September 18, the Bishkek City Prosecutor’s Office canceled the investigation.

There were 40 to 50 regularly printed newspapers and magazines, eight of which were state-owned, with varying degrees of independence. The independent printing press run by the nongovernmental Media Support Center (MSC) surpassed the state printing house, Uchkun, as the leading newspaper publisher in the country. Approximately 50 state-owned and private television and radio stations operated in the country, with two television stations, both state-owned, broadcasting nationwide.

Foreign media operated freely. The law prohibits foreign ownership of domestic media; however, there was a small degree of foreign ownership of media, through local partners. Russian television stations Channel One and RTR dominated coverage and local ratings. Mir Interstate Television and Radio Company, a member-funded Commonwealth of Independent States television network, increased its television and radio broadcasts throughout the country. A number of Russia-based media outlets also operated freely in the country, although they were registered with the Ministry of Justice, and therefore the Government considered them domestic media. Although several broadcast media companies have applied for new licenses and frequency assignments, the Government has not approved any requests for new media outlets since 2006.

The Ministry of Justice requires all media to register and receive ministry approval to operate. The registration process is nominally one month, but in practice the process often takes much longer. Part of the process includes background checks on each media outlet’s owner and source of financing, including international donor organizations. New licensing/frequency distribution procedures continued to be reviewed by the Government.

Government newspapers, television, and radio continued to receive state subsidies, and the Government remained the primary source of scarce advertising revenue, which allowed the Government to influence media content.

During the year, pro-governmental media outlets published numerous negative articles about several parliamentary deputies, NGOs, and their leaders. Although the law prohibits censorship, a few independent journalists reportedly faced government pressure over critical press coverage, were denied access to public meetings, and/or were not given information freely provided to state-run outlets. Libel remains a criminal offense punishable by up to three years in prison.

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

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. Religious higher educational institutions must follow strict reporting policies. Kyrgyzstan’s National Security Service demanded to see confidential documents about students of Bishkek’s Protestant United Theological Seminary in June. The director, a foreign national, refused and was expelled from the country. Similarly, The Islamic University must inform the Muftiate, the State Agency for Religious Affairs, and the district police about its student enrollment.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for limited freedom of assembly, and the Government generally respected this right in practice, although authorities placed restrictions on this right.

On March 17, police officers detained 15 participants of a protest against the outcome of the December 2007 elections. The Pervomaisky court judge fined nine of the activists between 1,000 soms (\$28) and 2,000 soms (\$57). On January 29, police detained approximately 20 participants of the student-organized “I do not believe...” campaign, for “just standing” at four entrances of parliament.

On April 11, the Internet-based news agency 24.kg reported that police officers detained 52 participants of a protest against the Government’s agreement to relinquish land and resorts in the Issyk-Kul Oblast to the Government of Kazakhstan.

The Pervomaisky court judge sentenced two protesters to three and ten days in prison and fined an additional ten activists 2,000 soms (\$57) each.

On April 26, in Tyup City, activists marching in protest of the Government's transfer of land in the Karkyra Valley to Kazakhstan clashed with a group of counter-protesters. Ten of the activists, including ex-parliamentarian Bolotbek Sherniyazov, were injured, causing them to cancel the march and a related conference.

On June 11, local media reported that Bishkek City Pervomaisky District police detained 20 women near the parliament building as they protested the closure of the Elnur market in the Issyk-Kul Oblast by the local administration. The Pervomaisky Court fined each of the women 1,000 soms (\$28) and ordered their release.

On August 6, the President signed into law nationwide restrictions on public assembly similar to those enacted in November 2007 by the Bishkek City Council. The new law prohibits protesters from gathering near government entities, including parliament, Presidential residences, schools, military establishments, motorways, and gas pipelines. The law also requires that organizers apply for permits at least 12 days prior to the event, thus preventing any spontaneous demonstrations. On July 1, the Constitutional Court overturned the city ordinance on the grounds that the local council did not have the power to make restrictions on issues of national importance.

On December 19, local police arrested eight persons from the Ata Meken political party who were collecting signatures on petitions at a local outdoor market. They were charged with failure to obey law enforcement and with holding an unauthorized demonstration. After spending several hours in police custody, some members of the group were released with a nominal fine, and the rest were sentenced to three days in jail and released pending appeal.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right, although the Government at times used law enforcement agencies to intimidate organizations. NGOs, labor unions, political parties, and cultural associations must register with the Ministry of Justice. NGOs are required to have three members to register, and all other organizations require at least 10 members. The Ministry of Justice did not deny any domestic NGOs registration during the year. The law prohibits foreign-funded political parties and NGOs, including their representative offices and branches, from pursuing political goals.

The Government continued its ban on four organizations it deemed to be extremist due to alleged ties to international terrorist organizations: Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, and the Eastern Turkestan Islamic Party. Arrests and prosecution of persons accused of possessing and distributing HT literature continued during the year. Although most arrests of alleged extremists in the past occurred in the south and involved ethnic Uzbeks, media reports track a marked increase in ethnic Kyrgyz being detained for HT-related activity in the north. The majority of those arrested were charged with distribution of literature inciting ethnic, racial, or religious hatred. Reported cases of women being detained for distributing HT leaflets and brochures also increased during the year.

According to news reports and a press release by the Norwegian Helsinki Committee (NHC), on June 9, MIA officers raided the Bishkek office of the NHC, ransacked its files, and photographed and filmed documents. According to a statement from the permanent delegation of Norway to the OSCE, international and local staff were questioned by the MIA and agreed to suspend operations until the Ministry of Justice approved the NHC's registration. The authorities charged the head of the NHC, a Norwegian citizen, with operating the NHC without proper registration. On September 5, judges of the Bishkek Sverdlovskiy District Court acquitted the NHC representative of all charges. However, the Ministry of Justice had not registered the NHC by year's end. On October 12, the Kyrgyz border guards denied entrance to the head of the NHC and forced him to depart on the next available flight out of the country. Airport authorities also stated that he would not be allowed to return for 10 years.

c. Freedom of Religion.—The law provides for freedom of religion. The Government generally respected this right in practice, although there were some restrictions, particularly regarding the activities of conservative Islamic groups that it considered to be extremist and a threat to the country. The constitution provided for the separation of state and religion. Islam is the most widely practiced faith. The Government did not officially support any religion; however, a 2006 decree recognized Islam and Russian Orthodoxy as "traditional religions." The Government also

recognizes two Muslim holy days (Kurman Ait, or Eid al-Adha, and Orozo Ait, or Eid al-Fitr) and Orthodox Christmas as national holidays.

On November 6, the parliament approved a restrictive religion law that gives the state the responsibility to prevent "religious fanaticism and extremism, as well as actions aimed at confrontation and exacerbation of relationships." The law increases the membership threshold for registration of a religious organization from 10 to 200 individuals, which excludes many smaller faith groups. The law also bans proselytizing and grants local authorities the power to ban activities of groups registered in another district. By year's end the President had not signed the bill into law.

The State Agency for Religious Affairs (SARA) is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law all religious organizations, including religious schools, are required to register with SARA, and each congregation is required to register separately. In 2006 SARA moved its headquarters to Osh, reportedly to monitor the predominantly Muslim Ferghana Valley more closely.

Although several groups have had difficulties registering, almost all were eventually registered. Exceptions included the Hare Krishna, the Church of Jesus Christ of Latter-day Saints, and the Universal Church, whose registration was suspended in 2003 for noncompliance with government regulations. Since 1996 SARA has registered 270 religious groups and nearly 1,200 foreign citizens as religious missionaries.

Each congregation of a religious organization must submit registration documents to SARA, which can deny registration if a religious organization does not comply with the law or is a threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality. Thereafter, the organization must register with the Ministry of Justice, which gives the organization legal status and allows it to own property and conclude contracts. An applicant whose registration is denied may reapply and may appeal to the courts.

The country's largest Protestant church, with an estimated 11,000 members, complained of government attempts to hamper its activities in the past.

Missionary groups of various religious organizations operated freely, although they are required to register with the Government.

The Government forbids the teaching of religion (or atheism) in public schools, but a 2006 decree allows the teaching of "the history of world religions" and "religion in general." It also acknowledges the rights of students to wear clothing indicative of their religious preference. However, there were continued reports of girls in southern areas, particularly in the Jalalabad Oblast, being banned from school or dropping out because of restrictions on wearing the headscarf.

Societal Abuse and Discrimination.—The investigation into the 2006 case of vandalism of Baptist Sarygulov's home and the throwing of Molotov cocktails at the church facilities in Karakulja was closed with no arrests made. Forum 18 has documented numerous cases of Kyrgyz Protestants, Baha'is, Jehovah's Witnesses, and Hare Krishna being denied access to community cemeteries to bury relatives due to tension with Muslim neighbors. The Muslim Council, the Muftiate, issued a decree forbidding the burial of non-Muslims in Muslim cemeteries. Meetings with the State Agency for Religious Affairs failed to achieve a solution to the discriminatory practice.

There were no reports of anti-Semitic acts. Approximately 1,600 Jews lived in the country.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law on internal migration provides for freedom of movement. The Government generally respected the right in practice, and citizens were able to move within the country with relative ease. However, certain policies continued to restrict internal migration, resettlement, and travel abroad.

The law requires an official residence registration in order to work and live in a particular area of the country. Applicants for residence registration must file a request with the local police and be able to prove that they have a place to live in the area. Individuals who do not register, or are registered in their hometown, can be denied access to subsidized health care or schooling.

The law on migration prohibits travel abroad of citizens who had access to information classified as state secrets. In 2007 the International Organization for Migration (IOM), with the support of foreign governments, opened two additional passport offices and a training facility for passport officers, producing instructions for filling out passport forms, and posting official fees associated with the passport process to stem corruption.

The law does not provide for or prohibit forced exile, and there were no reports that the Government employed it in practice.

In May 2007 the President signed into effect the Law on Citizenship, Article 22, which allows for the recognition of dual citizenship for citizens. The new law also simplifies naturalization procedures and reduces the amount of time needed to qualify for residency for select applicants, such as ethnic Kyrgyz and those with one parent of Kyrgyz citizenship. Article 13 of the law establishes a five-year residency qualification for the naturalization of recognized refugees, those married to citizens, prominent scientists, and business investors.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol. In practice the Government provided protection for some refugees against expulsion or forced return to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and the 1967 protocol, although the Office of the UN High Commissioner for Refugees (UNHCR) reported no persons received such protection during the year. While the Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers, during the year the Government did not grant refugee status or asylum to any Uzbeks or Uighurs or adequately protect such individuals.

According to the State Committee for Migration and Employment (SCME), there were 260 refugees and 439 asylum seekers in the country as of December 1. Refugees were primarily from Afghanistan (238), along with 22 from Syria, Iraq, Iran, and North Korea. Among the asylum seekers were 144 from Afghanistan, 163 from Uzbekistan, 120 from Chechnya in Russia, and 12 from other countries.

During a World Refugee Day press conference on July 20, the SCME chairperson, Aygul Ryskulova, stated that the Government had naturalized 9,517 Tajik refugees over the past five years.

On May 14, authorities forcibly returned Erkin Holikov, an Uzbek citizen and asylum seeker, to Uzbekistan. On March 6, a Jalalabad City court convicted him for concealing a crime and illegally crossing the border with Uzbekistan and sentenced him to four years in prison. On April 30, Holikov's lawyer attempted to register him at the SCME, but the SCME rejected his application. A June report by Moscow-based Memorial Human Rights Center stated that on May 22, eight days after his extradition, an Osh District court ruled that the refusal of Holikov's registration by the SCME was illegal.

On September 19, registered asylum seeker Haiotjon Juraboev disappeared in Bishkek. Juraboev left Uzbekistan in 2007. Human Rights Watch cites a witness who said that Juraboev was stopped outside a mosque by a man in plain clothes who introduced himself as a security official. According to the witness, he followed the man to a car and was not heard from again. In August 2006 the Government forcibly returned four refugees registered with UNHCR and one asylum seeker to Uzbekistan.

There were no refugee camps for Uzbek citizens in the country. The media and some NGOs reported that Uzbek refugees continued to hide in the country for fear of persecution by the Uzbek authorities.

According to the UNHCR, the Kyrgyz government agreed that Uzbeks already in country could reregister for refugee status. Family members of Uzbeks in country could also register after joining their families, but newly arrived Uzbeks could not. As with Uzbek asylum seekers, the Government continued to deny Chechen refugees official refugee status but granted them asylum seeker status and provided them with some legal protection.

According to the UNHCR, Uighurs remained at risk of deportation or extradition, particularly if they were involved with political and religious activities in China. Uighurs also risked deportation at the request of the Chinese government.

According to the UNHCR, there was no authoritative source for the number of stateless persons. Estimates ranged from 400 to 60,000. According to the UNHCR, the Department of Passport and Visa Control of the Ministry of Interior reported there were 21,337 persons holding obsolete USSR passports as of January, of whom they had processed more than 60 percent as of August.

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

The law provides citizens with the right to change their government peacefully, although some restrictions remained. Under the October 2007 constitution, the President can veto any legislative act and dismiss members of the Government, nominate Constitutional Court judges and Supreme Court judges proposed by the

NCJA, appoint and dismiss regional governors and the heads of local administrations, control defense and security bodies, and direct foreign policy. The President has immunity after leaving office. The parliament can override Presidential vetoes.

On September 17, GKNB officers raided the Naryn regional office of the opposition party Ata-Meken, confiscated computer equipment and documents, and sealed the office doors. According to the head of the Naryn regional police directorate, the discovery of "anticonstitutional leaflets" in three public places led the authorities to the Ata-Meken office, where they seized a further 147 leaflets.

Elections and Political Participation.—On October 5, local elections were held nationwide. Observers were allowed to be present at voting precincts on Election Day, but the Central Election Commission (CEC) rejected applications from international observers on the basis that they missed the application deadline. Although the human rights ombudsman declared the elections fair, civil society claimed that the Government unfairly promoted members of the pro-regime Ak Jol candidates to win seats.

On September 26, opposition leaders released a video message from CEC Chair Klara Kabilova in which she claimed she had been pressured by the President's son over registering an opposition candidate, Ishenbay Kadyrbekov, for local council elections. Kabilova left the country prior to the video's release.

During the year, there were cases of government harassment of members of the political opposition. In January a leader of the Ata Meken party accused the tax police of harassing the opposition by initiating tax audits against multiple opposition parties.

According to a CEC report, more than 80 percent of the country's 2.7 million registered voters participated in the October 2007 referendum, and 81.58 percent of voters approved the new constitution and electoral code. However, local and foreign election monitors reported "rampant" violations, including voter fraud and ballot box stuffing, and estimated that voter turnout had been significantly lower than the 50 percent needed to make the vote valid.

Following the constitutional referendum, the President dissolved the parliament and called for new elections in December 2007. The elections were marred by numerous and wide-spread irregularities, and representatives of the OSCE election monitoring mission stated that the elections "failed to meet a number of OSCE commitments."

The CEC certified that three parties passed the thresholds to gain seats in parliament: Ak Jol party with 71 seats, the Social Democratic Party of Kyrgyzstan (SDPK) with 11 seats, and the Party of Communists of Kyrgyzstan with eight seats. Opposition party Ata-Meken, which did not gain any seats, accused the Government of vote rigging, but the Supreme Court upheld a December 2007 CEC ruling that Ata-Meken had failed to pass the regional voting threshold in the city of Osh. After the December 2007 elections, the President formed a new government without any opposition party representatives.

Twenty-three women representing three political parties secured seats in parliament following the December 2007 elections. Women held several high-level government posts, including minister of finance, minister of education and science, minister of labor and social development, chief justice of the Constitutional Court, the chair of the State Committee on Migration and Employment Issues, and (until September) chair of the CEC.

There were 17 members of six minorities represented in the new 90-seat legislature. Russians and Uzbeks, the two largest ethnic minority groups, remained under-represented in government positions. Members of minority groups held senior posts, including an ethnic Russian promoted from minister of energy, industry, and fuel to prime minister following the December 2007 elections.

Government Corruption and Transparency.—Corruption remained endemic at all levels of society. The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. During the year the Government took limited steps to address the problem, including arrests of government officials on corruption charges.

According to polls conducted by the International Arbitration Court at the beginning of the year, 70 percent of businessmen did not trust the judicial system due to rampant corruption.

During the year the National Anticorruption Agency received complaints and phone calls regarding corruption among governmental officials. The complaints were related primarily to unlawful actions of law enforcement and judiciary bodies.

In October 2007 the NGO Kyrgyz Parliamentarians Against Corruption analyzed the implementation of the National Anti-Corruption Strategy, adopted in 2005. Not-

ing several positive steps, such as the ratification of the UN Convention Against Corruption and establishment of the National Anticorruption Agency and the National Anticorruption Council, the NGO reported delays in implementation of the strategy, lack of compliance of the domestic legislation with international standards, and insufficient involvement in anticorruption activities by civil society.

According to the Prosecutor General's Office, 394 corruption charges were registered by July. The corruption cases were in relation to allegations of malfeasance, illegal examinations by state agencies, mismanagement of government funds and unauthorized procurements, embezzlement, illegal commercial activity, and bribery.

On December 16, the Prosecutor General's Office announced that it had arrested a judge of the Naryn oblast court for accepting a 10,000 som (\$254) bribe from a defendant.

On November 14, the Commissioner of the National Anticorruption Agency reported the results of an inspection of universities. It found violations of admissions processes at Kyrgyz National University and Jalal-Abad State University. As a result the minister of education dismissed the rectors, and the Prosecutor General's Office charged university admission personnel with abuse of power and forgery.

On May 2, Kabar News Agency reported that GKNB officers detained the judge of the Moscow District Court of the Chui Oblast for extorting and receiving a bribe for 98,545 soms (\$2,500). Officials launched a criminal case against the judge.

On April 28, the Jalalabad courts convicted former first deputy governor of Osh Oblast, Kushbak Tezekbayev; former head of the regional administration's financial and economic department, Seitkasym Dzheenbekov; and the head of the March People's Revolution public association, Timur Kamchybekov, for abuse of power. Tezekbayev claimed the charges stemmed from his criticism of the Bakiyev administration. The judge sentenced Tezekbayev to five years in prison but delivered suspended sentences to his codefendants.

The law gives persons the right to request information from the Government. The Government generally complied with such requests.

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

The Government generally cooperated with the numerous international organizations that reported on human rights problems in the country and with international organizations generally, and permitted visits by UN representatives and other organizations, including the OSCE, ICRC, and IOM.

A February 2 decree disbanded the State Commission on Human Rights and transferred its authority to the Office of the Ombudsman. The ombudsman's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs, and he has the authority to recommend cases to courts for review. The Ombudsman's Office actively advocated for individual rights. Ombudsman's Office representatives stated that during the first nine months of the year, they received 1,706 complaints. The Ombudsman's Office stated that in a number of cases, its advocacy had been effective in reversing court verdicts against complainants.

Harassment and pressure by law enforcement agencies and unknown persons on human rights activists remained a problem.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice there was discrimination against women, persons with disabilities, ethnic minorities, and homosexuals.

Women.—The law specifically prohibits domestic violence and spousal abuse; however, violence against women remained a problem. Many crimes against women were not reported due to psychological pressure, cultural traditions, and the apathy of law enforcement officials. Penalties ranged from fines to 15 years' imprisonment (if abuse resulted in death). There were 300 reported crimes committed against women in 2007, the latest year for which crime statistics are available, and the majority of those cases were sent to court.

Several local NGOs provided services for victims of domestic violence, including legal, medical, and psychological assistance, a crisis hot line, shelters, and prevention programs. Organizations involved with battered women also lobbied for new laws on domestic violence. The Government provided offices for the Sezim Shelter and paid its bills.

Rape, including spousal rape, is illegal. Activists noted an upwards trend in rape cases, although this may have been due to increased reporting of attacks. NGOs claimed that rape cases were dramatically underreported and were rarely brought to court. Experts noted that bribery was often used to curtail rape investigations.

Although prohibited by law, the traditional practice of kidnapping women and girls for forced marriage continued in rural areas. Cultural traditions discouraged victims from going to the authorities.

On August 5, the President signed a law providing for equal rights for men and women. According to the Presidential press service, the "document establishes state guarantees in terms of providing equal rights and opportunities for persons of various sexes in political, social, economic, cultural, and other fields and aims to protect men and women against discrimination on the basis of sex." Women have the same rights as men, including under family law, property law, and in the judicial system, although discrimination against women persisted in practice. Average wages for women were substantially less than for men. Women made up the majority of pensioners, a group that was particularly vulnerable to deteriorating economic conditions. In the countryside, traditional attitudes toward women relegated them to the roles of wife and mother and curtailed educational opportunities. Data from NGOs working on women's issues indicated that women were less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently than men.

Prostitution is not a crime, although the operation of brothels, pimping, and recruiting persons into prostitution is illegal, with penalties of up to five years. With no legal measures in place to regulate the industry, it was an ongoing problem. The NGO Tais-Plus continued to defend the rights of those in prostitution.

Sexual harassment is prohibited by law; however, according to an expert at the local NGO Shans, it was rarely reported or prosecuted. Penalties range from fines to imprisonment.

According to the Operational Response Center of the Interior Ministry, police respond to almost 10,000 cases of family conflict each year. Nearly 15 percent of crimes committed during family conflicts resulted in deaths or serious injuries.

According to a poll conducted by the Women's Development Fund of the UN, 80 percent of respondents said that there was physical violence against women in the home.

The National Council on the Issues of Family, Women and Gender Development, under the President, is responsible for women's issues.

Children.—The Government was generally committed to the rights and welfare of children, although it lacked resources to address fully basic needs for shelter, food, and clothing. According to Articles 19 and 20 of the children's code, every child born in the country has the right to receive a birth certificate, local registration, and citizenship. In 2006 the Government initiated a program providing each elementary student with a free glass of milk and a roll every morning. Rural and urban schools administered the program effectively.

The law provides for compulsory and free education for the first nine years of schooling, or until age 14; secondary education is free and universal up to age 17. However, financial constraints prevented the Government from providing free basic education for all students. The law penalizes parents who do not send their children to school or who obstruct their attendance. This law was only sporadically enforced, particularly in rural areas. Families who kept children in public schools often had to pay burdensome and illegal administrative fees. In September 2007 the Government decreed that parents of schoolchildren should not pay administrative fees to schools.

The Government continued to fund two programs for low-income children and children with mental or physical disabilities that provide school supplies and textbooks. Legally, all textbooks should be free, but the Government was unable to provide them to all students.

The Government provided health care for children, and boys and girls had equal access. The system of residence registration restricted access to social services, including health care and education for certain children, such as refugees, migrants, internally displaced persons, and noncitizens.

Child abuse, including beatings, child labor, and commercial sexual exploitation continued to be a problem. According to monitors from the Department on Child Rights Defense under the State Agency for Physical Culture and Sports, administrators and school guards at a school in Chui Oblast physically abused children.

The practice of bride kidnapping remained a concern, with some underage abductions reported during the year. Children ages 16 and 17 may legally marry with the consent of local authority, although marriage before age 16 is prohibited under all circumstances.

Trafficking of children for the purposes of commercial sexual exploitation and labor remained a problem.

Family law prohibits divorce during pregnancy and while a child is younger than one year.

As in previous years, there were numerous reports of child abandonment due to parents' lack of resources, leading to larger numbers of children in institutions, foster care, or on the streets. Approximately 80 percent of street children were internal migrants. Police detained street children and sent them home (if an address was known) or to a rehabilitation center or orphanage.

State orphanages and foster homes also faced a lack of resources and often were unable to provide proper care. Some older children were transferred to mental health care facilities, even when they did not exhibit mental health problems. According to the Social and Gender Issues Department within the presidency, the number of children in state shelters continued to grow, with the total number of children in the 39 state shelters estimated at 5,390 at the end of the year. Of these children, 20 percent were orphans.

The MIA-maintained Rehabilitation Center for Street Children in Bishkek continued to lack sufficient food, clothes, and medicine and remained in poor condition. It sheltered approximately 70 children, according to UNICEF. IOM, together with foreign government funding and assistance from the SCME, renovated a second center for minors in Osh, staffed it with an IOM-trained NGO, and stocked it with necessary food and supplies.

The League for Protection of Children's Rights stated in September that children's rights were violated regularly at the Lebedinovka Gymnasium School #2. They reported instances of physical abuse and illegal money collection by the school administration, and they also reported that the number of students at the school had dropped from 1,700 to 700 over the last three years. The Ministry of Education had not made any public response by year's end.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Trafficking remained a persistent problem, and victims alleged that government officials facilitated, or were complicit in, trafficking. However, the Government continued to make significant efforts to address trafficking, including improved assistance to victims.

The country was a source, transit, and to a lesser degree, destination, for trafficked persons. Internal trafficking for labor and sexual exploitation also occurred, generally from poor rural areas to larger cities such as Bishkek in the north and Osh in the south. The Government recognized that trafficking in persons was a problem.

With financial and practical assistance from various international and nongovernmental organizations, the Government supported a countrywide information campaign and trained law enforcement and foreign affairs officials on trafficking awareness. The Government took additional steps to streamline labor migration by adopting a program on the regulation of migration processes and collaborating with the Governments of Russia, South Korea, and Kazakhstan to improve the protection of rights of Kyrgyz labor migrants working abroad.

There were no reliable data on the number of persons trafficked. International organizations and NGOs reportedly provided assistance to 67 victims of trafficking as of September 1. Most trafficking cases were reported after the agricultural labor season ended and forced laborers wished to return home. According to SCME estimates, up to 300,000 Kyrgyz citizens worked in Kazakhstan, 250,000-400,000 were employed in the Russian Federation, and an estimated 4,000 Kyrgyz citizens worked in the United Arab Emirates (UAE). The number of these citizens working abroad who were trafficking victims was unknown.

During the year the State Committee for Migration and Employment (SCME)'s offices provided consultations to more than 7,000 persons through its hot line and in person. Citizens learned about legal labor migration and the dangers of trafficking from the "Stop Trafficking" hot lines. According to the SCME, governmental agencies assisted in the repatriation of 134 Kyrgyz victims of trafficking during the year. According to the IOM's estimates, law enforcement agencies and aid organizations learned about one out of every six to eight cases of women victims and one out of 20 cases involving men.

The IOM estimated that, in comparison with victims from the north, more than twice the number of trafficking victims assisted through its programs were from the southern provinces of Jalalabad and Osh, where unemployment rates were higher.

Women, especially from impoverished southern areas, were trafficked for sexual exploitation to Kazakhstan, Russia, UAE, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria.

Traffickers were often persons who previously operated local prostitution networks. Relatives or close family friends reportedly also were used to recruit trafficking victims. Traffickers also included organized crime rings that often used former trafficking victims as recruiters. In some cases traffickers provided escorts, usually an older woman, to accompany victims and facilitate border crossings into countries such as the UAE. Labor trafficking was much less organized and often involved self-employed recruiters who simply loaded persons onto buses and transported them to the country for work on farms or to foreign labor recruitment firms.

The most recent development in trafficking is the use of "collateral." Victims of trafficking are forced by their traffickers to leave relatives, usually children, as hostages to the traffickers until a suitable labor replacement has been found, forcing victims to assist traffickers in recruiting other victims.

Trafficking in persons, including organizing illegal migration and smuggling, is a criminal offense punishable by up to 20 years in prison. Other provisions of the criminal code used to prosecute traffickers included kidnapping, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years.

According to IOM there were increased numbers of Bangladeshi and other South Asian migrants transiting the country en route to Europe. The IOM estimated there were 2,000-3,000 Bangladeshi citizens in the country in transit to western countries. IOM reported that during the year there was one case of trafficking victims being prosecuted for the possession of false documents and crossing the border illegally. The trafficking victims were later acquitted, and at year's end the trafficker was on trial. In two other reported prosecutions, traffickers were sentenced to five years in prison and forced to pay damages to the victims.

The National Antitrafficking Council, chaired by the vice prime minister, is responsible for coordinating the efforts of government agencies in fighting trafficking. Together with the OSCE and IOM, the SCME drafted a national anti-trafficking action plan, to be submitted for parliamentary ratification.

In the spring the Ninth Department, a separate division of the MIA that focuses on immigration and registration violations and reports to the Passport Office began to lead investigations into trafficking crimes. According to the MIA, 34 trafficking-related crimes were investigated from March 2007 to March 2008. According to the IOM, there were three convictions during the year.

Endemic corruption impeded the Government's efforts to curb trafficking. Victims reported that local police, immigration officers, and airport security officials often cooperated with highly organized trafficking operations. Observers believed that some government authorities facilitated or were otherwise complicit in trafficking activities.

The 2006 amendments to Article 124 of the criminal code protect trafficking victims from being prosecuted if they cooperate with an investigation, and also in some cases grants temporary or permanent residence status. Some trafficking victims cooperated with investigations, but many feared possible retaliation from traffickers. There were no reports that the Government deported foreign victims of trafficking during the year. The IOM reported a decrease in reports from returning overseas workers that they had to pay bribes to avoid imprisonment for false documents. Kyrgyz embassies abroad assisted victims of trafficking by issuing new authentic travel documents to replace the false documents the victims used to exit Kyrgyzstan.

Numerous articles in governmental and independent media outlets publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem.

The Government actively participated in and helped implement numerous anti-trafficking programs and cooperated with international organizations and other countries to combat trafficking. Central and local governments worked on an information campaign with approximately 36 domestic NGOs that operated within the IOM-operated anti-trafficking network. The IOM also financed and trained NGOs to maintain antitrafficking hot lines in each province, using toll-free numbers provided by the Government, to help potential and actual trafficking victims. The SCME provided free office space for the IOM-sponsored hot line staff.

As of August five domestic NGOs in the Osh and Batken oblasts continued to facilitate an OSCE-supported project on prevention of trafficking in women and children in the south of the country. The project opened three hot lines, conducted education and public awareness campaigns, issued information bulletins, supported journalists' investigations of trafficking cases, and organized training for human rights activists.

In the spring, the IOM and the Norwegian government, with support from the local government, moved the Rehabilitation Center for Children in Osh to a new,

larger location. The center provided shelter to child victims of trafficking and labor exploitation. With the new facilities, the IOM increased its capacity for assisting victims of trafficking as well as providing assistance to victims of domestic violence and other crimes.

During the year, European Union (EU) supported anti-trafficking projects in Osh, Jalalabad, and Batken oblasts provided local teachers with training and increased the capacity of administrative and law enforcement bodies to combat trafficking.

According to several NGOs, the Government did not directly assist trafficking victims, including those repatriated, with special services or care facilities. The Government supported NGOs by providing them with office space, space for two shelters (one in Bishkek and one in Osh), and free advertising in government-owned media outlets. Law enforcement organs increasingly referred trafficking victims to IOM-sponsored shelters, such as Sezim. By November 13, victim shelters had provided rehabilitation services to 15 women. After suffering damages during an earthquake, the Osh shelter opened a new facility on November 1 with building space provided by the Government and refurbishments paid for with grants from the IOM and the Norwegian government. Many foreign-funded NGOs conducted workshops for law enforcement officers.

A number of NGOs, including Women's Support Center, TAIS-Plus, New Chance, Sezim, Podruga, and Golden Goal, provided legal, medical, and psychological assistance, as well as economic aid to trafficking victims.

During the year, the IOM provided assistance to 84 trafficking victims, including repatriation, psychological support, shelter upon arrival in Bishkek or Osh, vocational training, and monthly stipends. The IOM, the OSCE, various local organizations, and foreign governments sponsored a wide range of preventive programs, including antitrafficking public service announcements, roundtables, and workshops, to increase awareness among the Government, nonprofit, tourism, and media sectors.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, but in practice there was discrimination in employment, education, access to health care, and the provision of other state services for persons with disabilities. The law mandates access to buildings for persons with disabilities and provides for access to public transportation and parking for persons with disabilities, subsidies to make mass media available to the hearing or visually impaired, and free plots of land for the construction of a home. However, the Government generally did not enforce these provisions of the law. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population.

The lack of resources made it difficult for persons with disabilities to receive adequate education. Although children with disabilities have the right to an education, Gulbara Nurdavletova of the Association of Parents of Children with Disabilities stated that most were denied entry into schools for spurious reasons. Their parents sometimes established special educational centers for their children, but they did not receive government assistance.

Serious problems continued within psychiatric hospitals. The Government was unable to provide basic needs such as food, water, clothing, heating, and health care, and facilities were often overcrowded. Inadequate funding played a critical factor. Children with mental disabilities were put into psychiatric hospitals rather than socially integrated with other children. Other patients were also often admitted involuntarily, including children without mental disabilities who were too old to remain in orphanages.

The Youth Human Rights Group monitored the protection of children's rights in institutions for children with mental and physical disabilities. The group noted gross violations by staff at several institutions, including the deprivation of sufficient nourishment and physical abuse of the young patients.

The Office of the Prosecutor General is responsible for protecting the rights of psychiatric patients and persons with disabilities. According to local NGO lawyers, the members of the Prosecutor's Office had no training and little knowledge of the protection of these rights and were ineffective in assisting citizens with disabilities. Most judges lacked the necessary experience and training to determine whether persons should be referred to psychiatric hospitals, and the practice of institutionalizing individuals against their will continued.

A parliamentary commission reported violations of patients' rights in a number of mental hospitals. According to the report, the lack of funding was the main contributing factor. The Prosecutor General's Office was investigating allegations of em-

bezzlement of grant money at the Chym-Korgon mental hospital that arose from the commission's work. The commission planned to present its full report in March 2009.

National/Racial/Ethnic Minorities.—Minorities alleged discrimination in hiring, promotion, and housing, but no official reports were registered with local authorities.

On January 1, two Kyrgyz teenagers were beaten by a group of ethnic Uzbeks in the Osh City district of Turan. Following the incident local media reported that ethnic Kyrgyz men were patrolling the area and physically assaulting ethnic Uzbeks. A criminal investigation resulted in the capture of two ethnic Uzbeks. No further information was available at year's end.

The law designates Kyrgyz as the state language and Russian as an official language, and it provides for preservation and equal and free development of minority languages. Russian-speaking citizens alleged that a ceiling precluded promotion beyond a certain level in government service. They also alleged that some otherwise qualified candidates for office were disqualified by unfair language examinations. Both Uzbek and Russian were widely used officially and unofficially. The Government's initiative to increase official use of Kyrgyz raised concerns among non-Kyrgyz ethnic groups about possible discrimination.

Other Societal Abuses and Discrimination.—Persons of nontraditional sexual orientation, particularly homosexual men, were among the most oppressed groups, although the country does not outlaw homosexuality. Those whose nontraditional sexual orientation was publicly known risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities. Incarcerated gay men were often openly victimized in prisons by inmates and officials alike. In October Human Rights Watch reported that lesbians and transgender men suffered violence in the home and in public. Some lesbians reported being raped to "cure" them of their sexual orientation. Forced marriages for lesbian and bisexual women also occurred.

According to news reports, on April 8, MIA officers raided a dinner hosted by the gay rights group Labrys and demanded identification documents from the 30 local and international advocates gathered. After negotiations brokered by human rights lawyers, the police officers left the location without further disruptions.

A single NGO provides services for lesbian and transgender individuals.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of all citizens to form and belong to trade unions, and workers exercised this right in practice. Approximately 94 percent of workers belonged to a union. The Federation of Trade Unions (FTU) remained the only umbrella trade union in the country. The FTU had 1.06 million members, or 56 percent of the country's employed workforce. Unions were not required to belong to the FTU, and there were several smaller unaffiliated unions. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 60,000.

The law grants the right to strike, but the numerous conditions required to receive formal approval made the procedure difficult and complicated.

The law on government service prohibits government employees from striking.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice most of the time. In February, a district court suspended Sagyn Bozgunbaev, the democratically elected President of the Federation of Trade Unions of Kyrgyzstan, from his office. The International Trade Union Confederation reported that the decision was influenced by pressure from state authorities.

The law recognizes the right of unions to organize and bargain collectively, and trade unions exercised this right on behalf of their members.

There are no special laws or exemptions from regular labor laws in the Free Economic Zones (FEZs) that function as export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

Government licensing rules place strict requirements on companies recruiting persons to work both domestically and abroad, including vetting requirements by the SCME for all recruitment companies. The Government regularly published the list of licensed and vetted firms.

Recruiters are required to monitor employer compliance with employment terms and the working conditions of labor migrants while a work contract is in effect. Re-

cruiters are also required to provide workers with the employment contract prior to their departure.

In 2005 local media reported that a number of Kyrgyz citizens were being held hostage in China because they had not paid for goods purchased from Chinese merchants. According to the State Committee on Migration and Employment, there were two such cases registered at the beginning of the year, and negotiations between the Kyrgyz and Chinese governments resulted in the release of one individual during the year. The Governments continue to negotiate the second case.

There were additional reports by the NGO Mental Health and Society that patients in psychiatric hospitals were used routinely for unauthorized labor on hospital grounds and as domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse but were rewarded with extra food for their work.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from economic exploitation and from work that poses a danger to their health or development; however, child labor remained a widespread problem. The minimum legal age for basic employment is 16, except for certain circumstances, such as selling newspapers. In addition the law bans the employment of persons under 18 in difficult or dangerous conditions, including the metal, oil, and gas industries; mining and prospecting; the food industry; entertainment; and machine building. Between 14 and 15, children can work up to five hours a day, and between 16 and 18 they can work up to seven. These laws also apply to children with disabilities.

In January the Government adopted the State Program of Actions of Social Partners on the Worst Forms of Child Labor in Kyrgyzstan for 2008–2011. According to UNICEF approximately 4 percent of the country's children ages five to 14 years were engaged in child labor. A Kyrgyzstan Television 1 report in October 2007 cited experts stating that approximately 17 percent of children between the ages of five and 17 worked. Child labor was noted in the following sectors: tobacco, cotton, rice, cattle breeding, mining, construction, brick making, car washing, shoe cleaning, and retail sales of tobacco and alcohol. Children were also involved in family enterprises, particularly in agriculture and roadside kiosks. According to the Agricultural Workers Union, the number of children in the south involved in child labor reached 125,000, while the number of children working in tobacco fields was approximately 15,000. A draft of a study conducted by the National Statistical Committee of Kyrgyzstan estimated that 183,480 children were engaged in hazardous work, and that 88 percent of working children labored under conditions that posed risks to their development.

According to reports from various NGOs, child labor continued to be particularly prevalent in the south. During the fall some schools cancelled classes and sent children to pick cotton. During the summer children were involved in tobacco production. Some schools required children to harvest tobacco planted on school grounds, with the income going directly to the schools, not to the children. Several 2007 news reports highlighted the prevalence of child labor in the coal mining industry.

Internal trafficking of children for the purposes of commercial sexual exploitation and labor remained a problem. Children were generally trafficked from poor rural areas to Bishkek and Osh. The International Labor Organization (ILO) also observed an increase in the employment of trafficked children to sell and distribute illicit drugs.

The parliamentary committees for health protection, women and family, and education, science, and cultural affairs oversee the legal protection of the interests of minors whenever new laws are discussed in parliament.

Reports from ECPAT International indicated that police forced street and working children to give up their earnings in exchange for being released.

The Prosecutor General's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with the labor code. During the year inspectors conducted spot-checks of child labor law compliance, but these were infrequent and ineffective. During the first six months of the year, the Prosecutor General's Office conducted 52 checks, resulting in 16 written notifications, 33 demands for immediate action, 142 warnings, and four disciplinary actions against five individuals. Since many children worked for their families or were self-employed, it was difficult for the Government to determine whether their work complied with the labor code.

The Government was unable to enforce child labor laws adequately due to a lack of resources. Although employers caught violating the labor code could be charged with financial or criminal penalties, punishment was usually minimal.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. The Ministry of Education, in collaboration with

the ILO, continued a program to enable teachers to combat the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no minimum wage. A nominal national minimum monthly wage of 340 soms (\$9.78) was used for administrative purposes; the amount would not provide a decent standard of living for a worker and family. However, employers generally paid somewhat higher wages. The FTU and other trade unions are empowered to enforce all labor laws.

The standard workweek is 40 hours, usually within a five-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek. According to the labor code, overtime work cannot exceed four hours per day and 20 hours per week, and must be compensated with leave or premium pay of between 150 and 200 percent of the hourly wage. These provisions were mainly enforced at large companies and organizations with strong trade unions. Small, informal firms had no union representation.

Safety and health conditions in factories were poor. The law establishes occupational health and safety standards, but the Government generally did not enforce them. The State Labor Inspectorate is responsible for protecting workers and carrying out inspections for all types of labor issues, but its activities were limited, and business compliance was uneven. Workers of all industries have the right to remove themselves from dangerous workplaces without jeopardizing their employment, and workers exercised this right in practice.

According to World Bank estimates, remittances of labor migrants amounted to more than 27 percent of Gross Domestic Product. In September 2007 the prime minister enacted the State Program on Regulating Migration for 2007–2010, developed by the IOM and SCME. The goal of the program is to reduce illegal labor migration and associated trafficking and to provide legal and social support to labor migrants abroad.

In March 2007 the parliament approved an agreement with Kazakhstan on mutual protection of each country's labor migrants.

In March 2007 the SCME signed an agreement with the Russian government to join efforts in legalizing Kyrgyz labor migrants working in Russia. According to the SCME, during the year there were SCME representatives in several Russian cities to assist Kyrgyz labor migrants. The SCME representative also said that in cases of violence against Kyrgyz citizens, they have agreements with the Russian government to assist the victims and investigate crimes against them.

In March the SCME, with the support of the IOM and the Swedish Development Agency, opened an information center for potential labor migrants in Osh.

The 2005 Law on Foreign Labor Migration provides all foreign workers with the same rights and conditions as citizens. According to the SCME, foreign workers must be properly registered before exercising those rights.

MALDIVES

The Republic of Maldives is a constitutional democracy with a strong executive and, according to estimates, a population of approximately 390,000. The President appoints the cabinet and eight members of the 50-member parliament. The President derives additional influence from his constitutional role as the “supreme authority to propagate the tenets of Islam.” On August 7, President Maumoon Abdul Gayoom ratified a new constitution that paved the way for the first multiparty Presidential election. On October 8, candidates from six political parties participated in the first round. However, of the two candidates receiving the highest vote counts, neither President Gayoom, a member of the dominant Dhivehi Rayyithunge Party, nor Mohamed Nasheed, a former political prisoner and the leader of the opposition Maldivian Democratic Party, had sufficient support to secure a win. A runoff election between President Gayoom and Mohamed Nasheed occurred on October 29, with Nasheed defeating Gayoom. Election observers from the British Commonwealth, Colombo-based diplomatic missions, and local organizations such as Transparency Maldives reported the elections were relatively free and fair, with minor voting irregularities. The new constitution establishes a separation of powers and a bill of rights. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record continued to improve from the previous year, although some issues remained. Security forces occasionally abused detainees. Unequal treatment of women existed, as did restrictions on workers' rights.

RESPECT FOR HUMAN RIGHTS

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

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

On March 17, authorities charged police corporal Ahmed Shah with assault in connection with the 2007 death of Hussain Salah near the police base of Atoluvehi. Salah had been arrested on drug charges and police claimed that he had been released, but the Human Rights Commission of Maldives (HRCM) concluded there was insufficient evidence to try Shah, and the case was being treated as a suspected custodial death. Shah's trial continued at year's end.

In May the HRCM appealed court rulings that dismissed a suit involving the 2005 custodial death of Muaviath Mahmood on the grounds that Mahmood's family, not the commission, should have filed the suit. The HRCM argued that if the 2007 court ruling that dismissed the case were upheld and taken as a precedent, it would not be able to carry out its duties under the Human Rights Commission Act.

On September 20, Deputy Home Minister Abdullah Waheed confirmed that eight former security officers originally sentenced to death for the 2003 killing of Maafushi prison inmate Evan Naseem had their sentences reduced to house arrest. The new punishment was not enforced.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibited such practices, although there were reports of mistreatment of persons by security forces.

In April the Maldivian Detainee Network (MDN) reported that police beat six prisoners in Dhoonidhoo detention center after their arrest during a crackdown on gang violence. A subsequent hunger strike by inmates reportedly led to further police abuse.

In May the mother of one of the Dhoonidhoo detainees filed a complaint with the HRCM alleging her son was beaten while in custody. The detainee, Ahmed Simhan, had turned himself into police in Male in February in connection with an investigation into gang-related violence that had resulted in the death of a gang member.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, although officials did not hold pretrial detainees separately from convicted prisoners.

In 2007 the HRCM issued a report criticizing the lack of medical provisions in Dhoonidhoo detention center. There was no reported response to the HRCM's findings.

According to the MDN, in May more than 300 inmates at Maafushi petitioned the President demanding better ventilation, amelioration of overcrowded conditions, and the cessation of beatings with batons. An eight-member government committee later inspected conditions in Maafushi and submitted recommendations for corrective measures. The demands followed a June 2007 six-day hunger strike to force a meeting with government officials to discuss their grievances.

The police continued to refuse independent access to 60 individuals arrested following the September 2007 bombing in Male. Other prisoners reported that authorities did not give these prisoners access to lawyers and subjected them to physical abuse.

Citing an overcrowded prison system, President Nasheed transferred 119 prisoners to house arrest in December. Opposition leaders accused the Government of releasing hardened criminals and violating normal parole procedures.

The Government generally permitted regular, unannounced prison visits by the HRCM, and in February the International Committee of the Red Cross (ICRC) visited security detainees in prison and in one case at the home of one detainee under house arrest. The Government also allowed unfettered access to prisons by the jail oversight committee of judges and members of parliament. The oversight committee had a mandate to visit quarterly and submit a report directly to the President. These reports were not available to the public.

d. Arbitrary Arrest or Detention.—The law prohibited arbitrary arrest and detention, but the Government had broad authority to arrest and detain suspects. In practice there were reports that police arrested and held persons arbitrarily for short periods of time.

In June numerous family members of 31 detainees from Khulhudhufushi island being held at Dhoonidhoo detention center complained that they had not been told the reason for their family members' detention. Shortly after these complaints, authorities released the detainees.

Role of the Police and Security Apparatus.—The Maldives National Defense Force (MNDF) collected intelligence, made arrests, and enforced house arrest. Although the MNDF was responsible for external security, it also had a role in internal security. The director of the MNDF reported to the minister of defense. On August 5, the majlis passed a new Police Act that established legal parameters for the force's role and placed the police directly under the control of the President.

Police initiated investigations in response to written complaints from citizens, police officers, and government officials or on suspicion of criminal activity. Prior to the ratification of the new constitution in August, police were not legally required to obtain arrest warrants or inform an arrested person of his rights, but government officials stated that in practice they urged law enforcement officials to inform arrested persons of their rights. The Attorney General (AG) referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case secret until they were confident that the charges were likely to be upheld.

The Star Force, also referred to as the Special Operations Department, is an elite unit of the Maldives Police Service. In its annual report issued during the year, Reporters Without Borders alleged that in 2007 the Star Force was involved in arrests of journalists and antigovernment demonstrators. Their tactics reportedly included physical attacks and threats.

The Police Integrity Commission, established in 2006 to investigate allegations of police corruption and impunity, was ineffective, holding no hearings during the year. However, under newly elected President Nasheed, five new commissioners were named on December 19. The commission was the primary mechanism available to investigate security force abuses.

Arrest and Detention.—The constitution provided for an arrestee to be informed of the reason for arrest within 24 hours and provides for the right to hire a lawyer. The law requires that a detainee be informed of the right to a lawyer at the time of arrest. Changes to the law of arrest required no person be arrested unless the arresting officer observed the offence, had reasonable evidence, and had an arrest warrant issued by the court. The court does not appoint legal counsel. According to the AG, police normally informed the arrestee's family of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Authorities generally permitted detainees to have counsel present during police questioning. Prisoners had the right to a ruling on bail within 36 hours; however, there were reports that bail procedures were not publicized adequately, explained, or implemented consistently.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a legal committee within 24 hours. The committee can recommend detention for up to seven days pending further investigation. After the seven days expire, the officer can petition a second committee, which can then recommend detention for a maximum of 15 additional days. If the authorities are unable to present sufficient evidence after the 22 days provided, the prisoner is eligible for release, although judges have the authority to extend detention past 22 days upon receiving an arresting officer's petition citing factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, and whether the detainee might pose a threat if released.

e. Denial of Fair Public Trial.—On September 18, the Government established an interim Supreme Court. The five-member court, appointed by the former President, was independent from the executive. It hears appeals from the High Court and constitutional matters brought directly before it. The seven-member Judicial Services Commission (JSC) appointed, dismissed, and examined the conduct of all judges and recommended candidates for judgeships to the President; the legislation setting up the commission permits the body to accept or veto Presidential appointments to judgeships. Since it was founded on September 5, the JSC has not publicized deliberations or made public recommendations on the hiring, dismissal, or discipline of any judges.

There are three lower courts: one for civil matters, one for criminal cases, and one for family and juvenile cases. The High Court handles a wide range of cases, including politically sensitive ones. The President's judicial advisory council, led by the chief justice, reviews all appealed court rulings.

Trial Procedures.—The law provides that an accused person be presumed innocent until proven guilty and that an accused person have the right to defend himself "in accordance with Shari'a (Islamic law)." The judiciary generally enforced these rights. During a trial the accused may call witnesses and has the right to be represented by a lawyer, although one is not appointed at public expense. Regulations rather than laws govern trial procedures. By tradition the prosecution collects all

evidence and presents it to a judge, who has the discretion to choose what evidence he will share with the defense. Judges question the concerned parties and attempt to establish the facts of a case.

Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. There were no jury trials.

Civil law was subordinate to Shari'a, which was applied in situations not covered by civil law, as well as in family matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally did not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the right to counsel was denied in a lower court. Those convicted had the right to appeal. Under the country's Islamic practice, the testimony of two women equals that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases the testimony of men and women was equivalent.

Political Prisoners and Detainees.—The Government maintained that there were no political prisoners; however, the Maldivian Democratic Party, (MDP), international nongovernmental organizations (NGOs), and some foreign governments asserted that persons were held for political reasons. On October 28, the UK-based organization Prisoners of Conscience stated that there were 24 persons under arrest on political charges. The MDN maintained a list of 200 members of the former opposition who faced outstanding charges for terrorism, unlawful assembly, or defamation.

President Nasheed, a former political prisoner, appointed a Presidential committee that met with prisoners in Maafushi on Nasheed's first full day in office. On November 26, the President appointed an eight-member national parole board.

The Government dropped charges against and restored the passport of MDP member Ibrahim Hussein Zaki, who was arrested in 2006 and charged with "inciting enmity against the lawful government." President Nasheed appointed Zaki to serve as the President's spokesman and senior advisor.

Civil Judicial Procedures and Remedies.—A civil court addressed noncriminal cases. However, as with the criminal courts, the judiciary was subject to executive influence. There were no reported cases of individuals seeking redress for human rights violations through civil courts. No administrative remedies were available.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibited security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law." In practice the Government generally respected privacy rights. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so during a criminal investigation.

Although the law provides that residential premises and dwellings should be inviolable, there was no legal requirement for search or arrest warrants. The AG or a commanding officer of the police must approve the search of private residences.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new constitution guarantees freedom of expression and of the press. Prior to its ratification, the law provided for limited freedom of speech and of the press, which the Government at times utilized to limit these rights in practice. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam" and prohibits inciting citizens against the Government.

In October 2007 President Gayoom issued a decree banning "words or actions likely to encourage extremism" and promising "action against anyone suspected of being a religious extremist" in response to a September 2007 bombing in Male.

Police occasionally harassed members of opposition political parties for criticizing the Government.

There are almost 200 independent newspapers and periodicals; however, government ministers own several of the daily publications.

During the year a private television and radio station began operations, and the Government television station transitioned to a more independent model. The Government did not interfere with the sale of satellite receivers. The Government radio and television stations presented reports drawn from foreign newscasts. The Government committed to permitting the functioning of independent radio stations in its Reform Roadmap. As a result a number of private radio stations began operating representing a variety of points of view.

In January 2007 the Government revised its defamation regulations following a protest by journalists. Journalists, primarily opposition reporters, stated that they

faced harassment during the year. In March authorities arrested Minivan Daily photographer Ibrahim Jauhuree on a drug charge that his colleagues alleged was politically motivated. In November the High Court ordered his release. On May 3, police broke up a World Press Freedom Day conference. The same day, police arrested journalist Aishath Aniya for an article that criticized the wearing of Islamic veils by women. She was released the same day.

Although an amendment to the law decriminalized “true account(s)” of government actions by journalists, both journalists and publishers reported practicing some self-censorship. By year’s end both print and electronic media were able to report largely unfettered by government censorship or interference.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

Internet Freedom.—The Government generally did not interfere with the use of the Internet, which was widely available in the capital and increasingly present in outlying atolls.

Academic Freedom and Cultural Events.—The law prohibited public statements contrary to government policy or to the Government’s interpretation of Islam. In response to the law, there were credible reports that academics practiced self-censorship.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, in practice the Government imposed limits on this right.

The Government permitted members of political parties, including those in the opposition, to hold public meetings and rallies with prior notification to the Government. The police banned night rallies. Some rallies and demonstrations passed without incident or with minimal arrests. Members of the opposition stated that their right to peaceful protest was restricted, while government officials countered that demonstrators gathered late at night and violated reasonable time, place, and manner restrictions on assembly. In July authorities arrested 13 demonstrators in Male during a rally criticizing the President for delays in the constitutional ratification process. Authorities released all of them within 24 hours.

Freedom of Association.—The law provided for freedom of association; however, the Government imposed some limits on freedom of association in practice. The Government registered clubs and other private associations only if they did not contravene Islamic or civil law.

In July 2007 Zaheena Rasheed won her case against the Government for wrongful dismissal. A civil court judge ordered the atolls ministry to pay 16,000 rufiyas (\$1,270) in compensation for lost earnings. Rasheed was fired three days after she was seen at an MDP rally in November 2006.

c. Freedom of Religion.—The law did not provide for freedom of religion and significantly restricted it. The constitution designates Sunni Islam as the official state religion, and the Government interpreted the provision as imposing a requirement that citizens be Muslims. The law prohibits the practice of any religion other than Islam and generally confers citizenship exclusively on Muslims. The Government allowed non-Muslim foreign residents to practice their religion only if they did so privately and did not encourage citizens to participate. The President, members of the people’s majlis, and cabinet members were required to be Muslim.

There were no places of worship for adherents of other religions. The Government prohibited the import of icons and religious statues, but it generally permitted the import of religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith was a violation of the Government’s interpretation of Shari’a and may result in punishment, including the loss of the convert’s citizenship; however, there were no known cases of such loss of citizenship.

Through the Supreme Council of Islamic Affairs, the Government mandated Islamic instruction in schools, funded the salaries of religious instructors, and certified imams, who were responsible for presenting government-approved sermons. No one may publicly discuss Islam unless invited to do so by the Government, and imams could not prepare sermons.

Societal Abuses and Discrimination.—There were some reports of discrimination against various Islamic subgroups.

In June 2007 police raided a mosque using batons against the congregation. The police suspected the worshipers to be followers of Wahhabi Islam.

In October 2007 authorities raided an “illegal mosque” on Himandhoo Island in connection with the investigation of the September 2007 Sultan Park terrorist bombing. Police arrested 63 individuals they defined as “religious radicals” but subsequently released 27 of them. In December 2007 the Government charged six of the detainees with using violence in an unlawful assembly in August 2006. These six were part of a group of 10 whom police previously arrested, charged, and then released in relation to the August 2006 incident. In April a court sentenced three of them to six months in jail.

There were no known Jewish citizens, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Employers often housed foreign workers at their worksites. The use of banishment to a remote atoll as a punishment was less common.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees or asylees. The Government has cooperated in the past with the Office of the UN High Commissioner for Refugees; however, asylum issues did not arise during the year. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

Elections and Political Participation.—On August 7, President Gayoom ratified a new constitution that set in motion multiparty Presidential elections. On September 5, the Government established an independent elections commission to oversee voting for the Presidential election, the first round of which occurred on October 8. The constitution lowered the voting age from 21 years to 18 years to encourage greater participation. There were more than 400 polling stations across the country and in some locations abroad. Six candidates competed in the first election held October 8. The then President Gayoom and opposition leader Mohamed Nasheed competed in the second round of voting, required because no candidate had received 50 percent in the first round. On October 28, Mohamed Nasheed won the runoff election, receiving 53.65 percent of the vote.

The NGO Transparency Maldives monitored the run-off election and reported that polling officials were impartial and that election procedures were followed more closely than in the first round of voting on October 8. Despite these positive reports, observers reported registration problems. During the campaign each candidate competed without government interference. In the first round of elections, the Election Commission Complaints Bureau received 1,109 complaints, most of which were related to registration problems. Four of these cases were submitted to the prosecutor general. The election commission reported some electoral irregularities including problems with voter lists, identification cards, and indelible ink.

The newly adopted constitution stipulates that parliamentary and local elections should be held by February 2009.

By both law and custom, the Office of the President is the most powerful political institution, and the law designates the President as the “supreme authority to propagate the tenets” of Islam. However, the new constitution greatly enhances the power of the majlis, or parliament, relative to the President.

The President’s mandate to appoint eight of the 50 members of the current legislature provided him strong political leverage. The members of the legislature, who must be Muslims, serve five-year terms. Individuals or groups were free to approach members of the legislature with grievances or opinions on proposed legislation, and any member of the legislature may introduce legislation.

A limited number of women held prominent positions in government. The attorney general, the minister of health and family, the deputy minister of education, and six members of parliament are female.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. An anticorruption board investigated allegations of corruption in the Government. The

board met regularly and referred cases, usually concerning monetary fraud, to the AG. The Prevention of Corruption Act addresses bribery and abuse of power. According to the Anticorruption Board, during the year 10 corruption cases were referred to the AG for prosecution,²⁶ cases were filed against government offices in Male, and 62 were filed in the atolls. These cases were under investigation at year's end.

There are no laws that provide for access to government information.

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

There were few independent local human rights groups, including Hama Jamiyya and Transparency Maldives. In 2006 the Foreign Minister and AG established an NGO called the Open Society Association; during the year authorities officially registered an NGO called the Maldivian Detainee Network.

NGOs reported that they exercised self-censorship.

The HRCM was fully functional, with Ahmed Saleem serving as President.

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

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of Shari'a in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women.—There are no laws in force regarding domestic violence against women, nor was there firm data on the extent of violence against women, although a 2005 HRCM survey indicated that many citizens believed men should be permitted to hit their wives under some circumstances. During the year authorities received reports of seven incidents of physical violence against women and seven incidents of sexual violence against women.

A 2006 NGO report concerning the UN Convention on the Elimination of Discrimination Against Women stated that many women reported sexual harassment in public places and at their places of employment. There were no specific laws covering sexual harassment or spousal rape. Police reported that they received few complaints of assaults against women. The law gives judges the right to detain sex offenders, but courts did not consistently enforce some elements that protect children. However, recent changes to the section on conduct of court proceedings dealing with sex offenses include guidelines for stricter sentencing of offenders, who will face jail terms rather than banishment.

The Gender and Family Ministry's 2006 study on women's health and life experiences noted that one in three women between the ages of 15 and 49 reported some form of physical or sexual violence at least once in their lives. One in five women between the ages of 15 and 49 reported physical or sexual violence by a partner, and one in nine reported experiencing severe violence. One in six women in Male and one in eight countrywide reported experiencing childhood sexual abuse under the age of 15. Of those women between the ages of 15 and 49 who had ever been pregnant, 6 percent reported being physically or sexually abused during pregnancy.

In cases of harassment involving physical assault, violators can be prosecuted under the laws on "indecent assault." Although women traditionally played a subordinate role in society, they participated in public life. Women constituted approximately 40 percent of government employees. The literacy rate for women was approximately 98 percent. In July 2007 the Government appointed the first female judges. The minimum age of marriage for women was 18 years, but marriages at an earlier age were common.

Under Islamic practice husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce. Shari'a also governs estate inheritance, granting male heirs twice the share of female heirs. Women who worked for wages received pay equal to that of men in the same positions.

Prostitution was illegal but occurred on a small scale. On September 2, police arrested numerous persons operating a prostitution ring in a Male apartment.

Children.—The law sought to protect children from physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Gender and Family Ministry has had the authority to enforce the law and received strong popular support. The ministry reported child abuse, including sexual abuse. Penalties for the sexual abuse of children range from as much as three years' imprisonment to banishment to a remote atoll.

Education is not compulsory, but there was universal access to free primary education. In many instances, parents curtailed education for girls after the seventh

grade by not allowing them to leave their home island for another island with a secondary school.

Government policy provides for equal access to educational and health programs for both male and female children.

In January the High Court increased the sentence of four men who used an ax to enter a 12-year-old girl's bedroom and rape her in 2007. They were initially sentenced to eight months' exile from their island, Kurendhoo, for sex outside marriage; the High Court increased the banishment to two years and added fifteen lashes for each offender. However, even the stiffer sentence contradicted a government commitment in May 2007 that child sex offenders would be imprisoned rather than banished.

On May 24, authorities in Madaveli arrested two Bangladeshi nationals for molesting young boys between the ages of eight and 14.

On August 31, police arrested six teenage boys who raped a 14-year-old girl on Holhudhoo. They released the names of the two accused over age 18. The victim's family and children's protection advocates complained that the perpetrators were released on the island and were harassing and threatening the girl and her family.

In May 2007 on Goidhoo Island, Baa Atoll, five girls accused Imam Ali Rasheed of molesting them after Koran recitation classes. The mothers of three of the victims reported the abuse to the police, and Rasheed was arrested. The Supreme Council of Islamic Affairs banned Rasheed from preaching at the Goidhoo mosque. Rasheed remained under investigation following his release. The Gender and Family Ministry wrote to the AG and the police that anyone accused of such abuse should be kept in custody pending investigation.

In August 2007 on Villingilli, a commuter island near Male, three men tied a 15-year-old girl to a tree and sexually assaulted her. A mobile phone video was later released showing the attack. The police arrested the three men after receiving the video. The case was under investigation at year's end.

Trafficking in Persons.—The law did not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

Persons With Disabilities.—No law specifically addresses the rights of persons with physical or mental disabilities. Government programs provided services for persons with disabilities, including special educational programs for persons with hearing and vision disabilities. The Government also established disability awareness and empowerment campaigns on some of the more populous islands. The Government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities; when family care was unavailable, persons with disabilities lived in the Ministry of Gender and Family's Institute for Needy People, which also assisted elderly persons. When requested the Government provided free medication for all persons with mental disabilities on the islands, but follow-up care was infrequent.

Other Societal Abuses and Discrimination.—The law prohibits homosexuality, and citizens did not generally accept homosexuality. The punishment for men includes banishment for nine months to one year or whipping 10 to 30 times. For women the punishment is house arrest for nine months to one year.

There were no reports of official or societal discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution recognizes the right to form associations, a right also conferred by the Associations Act of 2003. In May the President signed into effect a new Employment Act, which took effect in August. Parliament amended the law in October to include employees in the resort sector. The new legislation permits the formation of labor unions for the first time. At year's end no labor unions existed, but collective bargaining involving employees' associations primarily in the tourism sector began within days of the new law taking effect.

b. The Right to Organize and Bargain Collectively.—The constitution recognizes a worker's right to form trade unions and strike. The constitution and the 2008 Employment Act do not address workers' rights to bargain collectively.

Traditionally, wages in the private sector were set by contract between employers and employees and were based on rates for similar work in the public sector.

Problems arose in some resorts when employees' associations petitioned for wage increases and improvements in the conditions of work. When one resort operator refused to meet the demands and fired the leaders of the employees' association, employees went on strike. In one instance, police used force to remove the fired workers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Employment Act sets 16 as the minimum age for employment, with an exception for children who voluntarily participate in family businesses. Guidelines prohibit government employment of children under 18 and employment of children in any hazardous jobs such as construction, carpentry, welding, and driving.

Child labor was a problem in fishing, small commercial activities, and family enterprises. The Child Protection Unit of the Ministry of Health and Family was responsible for monitoring compliance with the law. The Ministry of Health and Family, the Ministry of Human Resources, Youth and Sports, and the Family and Child Protection Unit of Maldives Police Service received complaints of child labor, conducted inquiries, and initiated legal action when necessary.

e. Acceptable Conditions of Work.—The Employment Act of 2008 establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for work place safety. The act also provides a mechanism to establish a minimum wage in the private sector. The minimum wage in the Government sector was approximately 2,600 rufiya (\$206) per month, which was adequate for a decent standard of living. Because of the tight labor market, private sector employers generally offered competitive pay and conditions to attract skilled workers.

The Employment Act establishes a Pay Advisory Board consisting of representatives from government and industry. The Employment Tribunal and the Labor Relations Authority stipulated in the new law were not been formed to adjudicate disputes. The Pay Advisory Board advises the minister of human resources, youth, and employment on setting minimum wages in the private sector.

The Employment Act creates a 48-hour/week cap on work with a compulsory 24-hour break if employees work six days consecutively. Overtime is possible; for example, employees in tourist resorts may work an additional two hours per day paid at overtime rates. The public sector provides a seven-hour day, five-day work week.

Under the Employment Act, workers have the right to refuse work that is dangerous. Regulatory requirements in certain industries, such as construction and transport, require employers to provide a safe working environment and ensure the observance of safety measures. The Employment Act grants workers the right to compensation if fired without cause.

Late in the year, the Government established a Labor Relations Authority to implement the new Employment Law. The Employment Tribunal, as stipulated in under the new law, had not been formed by year's end. The new law also requires the Ministry of Human Resources to issue specific rules for employment of immigrant labor by February 2009. The act specifically bans discrimination based on race or color but notes that "any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination."

The Employment Act does not cover emergency workers, air and sea crews, executive staff of any company, and persons on on-call duty.

NEPAL

Nepal, a country of approximately 29 million, is in the process of transitioning to a federal democratic republic. On April 10, the Communist Party of Nepal-Maoist (CPN-M or Maoists) won a plurality of seats in constituent assembly (CA) elections. Both domestic and international observers accepted the election results as credible, although there were reports of political violence, intimidation, and voting irregularities. The CA fulfills a dual role of drafting a new constitution and serving as a legislature. Prime Minister Pushpa Kamal Dahal of the CPN-M heads a multiparty coalition government formed August 31 that succeeded a 16-month-old interim coalition government, led by the Nepali Congress Party. Soon after being sworn in on May 27, the CA abolished the monarchy and proclaimed the country a federal democratic republic. Subsequent amendments to the interim constitution provided for a President and vice President. On July 23, Ram Baran Yadav and Pramananda Jha took their oaths of office as President and vice President, respectively. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently.

Members of the security forces committed some human rights abuses during the year, and the Maoists, the Maoist-affiliated Young Communist League (YCL), and members of other small, often ethnically based armed groups committed numerous

grave human rights abuses. Members of the Nepal Army (NA) were confined to their barracks in accordance with the Comprehensive Peace Agreement (CPA) of 2006. Members of the Nepal Police (NP) and Armed Police Force (APF) occasionally used excessive and lethal force in response to continued demonstrations throughout the country. Maoists frequently employed arbitrary and unlawful use of lethal force, including torture and abduction. Violence, extortion, and intimidation continued throughout the year. Numerous armed groups, largely in the Terai region in the lowland area near the Indian border, engaged in attacks against various entities, including civilians, government officials, members of particular ethnic groups, each other, or Maoists. Impunity for human rights violators, threats against the media, arbitrary arrest, and lengthy pretrial detention were serious problems. The Government also compromised the independence of the judiciary, and society continued to discriminate against persons with disabilities and lower castes. Violence against women and trafficking in persons, mainly women and girls, continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. At year's end a local nongovernmental organization (NGO), Informal Sector Service Center (INSEC), reported 265 persons killed. According to INSEC, security forces killed at least 36 individuals, the Maoist party and its affiliate the YCL was believed to have killed four persons, and more than half of the total number of persons INSEC reported killed could not be linked to a specific group, or the families and reporters were afraid to name the group. The NA was confined to its barracks as a result of the CPA; there were no allegations of human rights abuses filed against the army during the year.

During recurrent unrest in the Terai region in January and especially the last two weeks of February, authorities often used unwarranted and at times lethal force. According to a report by the UN Office of the High Commissioner for Human Rights (OHCHR), authorities killed six persons during protests in Nepalgunj and the districts of Siraha, Saptari, Nawalparasi, and Sunsari. Five male civilians died as a result of police fire, and one man died from injuries sustained when police hit him with heavy clubs called lathis.

On April 27, according to Human Rights Watch (HRW), the armed wing of the CPN-M abducted, tortured, and killed businessman Ram Hari Shrestha in the Shakti Khor barracks in Chitwan District. The CPN-M wing acknowledged its involvement in the killing, accusing Shrestha of theft. The Government did not take any action to investigate the case.

On November 21, an attack in Gaur, Rautahat District, killed nine-year-old Dawal Rai Yadav and seriously injured four others when a socket bomb exploded near the stage set up for a cultural program. No group claimed responsibility for the attack, and no further action had been taken at year's end.

On December 2, activists of Madhesh Rastriya Janatantrik Party (MRJP), an underground Terai group, burned one person to death and injured five others when the group set a bus on fire in Saptari District. A group of approximately a dozen MRJP cadres intercepted the Kathmandu-bound bus at Birendra Bazaar along the East-West Highway, claiming that the bus was defying the MRJP's general strike. According to eyewitnesses and the police, the armed men set the bus on fire without letting passengers get off and looted 500,000 rupees (approximately \$6,500) in cash and valuables from passengers. One passenger burned to death, while 39 others managed to escape.

In September families of the 26 individuals killed in March 2007 during simultaneous but competing political rallies of the CPN-M and the Madhesi People's Rights Forum (MPRF) in Gaur, Rautahat, began to receive promised government compensation.

Authorities arrested and later released two individuals for the June 2007 killings of Binod Pant and Sheshmani Lamichhane.

An independent committee appointed to investigate the September 2007 killing of Moid Khan submitted its report to the Government. The report was not made public, and no further action had been taken at year's end.

The Government declared Umesh Chandra Thapa, Rishiram Kumal, Bhimsen Dahal, Tulasi Chetri, and Bishnu Pandey, killed in 2006, as martyrs, but no further action was taken.

The NA reported that it formed an army court to investigate the 2005 killing of Devendra Rai. The court found Lieutenant Bhisma Rawal guilty, imprisoned him for 45 days, and demoted him to second lieutenant. The commander of the army post

was imprisoned for one month and barred from promotion for five years. The warrant officer was imprisoned for one month and barred from promotion for four years.

During the year there were reports of five injuries from NA-planted landmines protecting military installations and infrastructure. Improvised explosive devices (IEDs) and explosive remnants of war abandoned or stored by the Maoists continued to kill and injure civilians. In July the United Nations Mission in Nepal (UNMIN) Mine Action Unit concluded the destruction of all IEDs near Maoist Army cantonment sites, in accordance with the CPA. UNMIN destroyed more than 14,000 IEDs across nine different locations and cleared five of the 53 antipersonnel minefields and 25 of the 312 IED fields laid by the NA. The CPA and the December 2006 agreement on Monitoring of the Management of Arms and Armies called for all landmines to be identified and located within 30 days and removed completely within 60 days. All available minefield records were provided to the UN Mine Action Unit. At year's end 67 casualties, including 41 children, were reported (63 of which were severely injured and four were killed). IEDs accounted for 63 casualties, and landmines were the source of four casualties.

b. Disappearance.—The fate of many of those who disappeared during the 10-year Maoist insurgency was unknown. According to National Human Rights Commission (NHRC) estimates, there were 970 unresolved cases of disappearances at year's end (671 by the state and 299 by the Maoists). INSEC reported 933 unresolved cases (828 by the state and 105 by the Maoists). At year's end the Government had not prosecuted any government officials or Maoists for their involvement in disappearances or revealed the whereabouts of the 671 persons identified by the NHRC in 2008 as disappeared by the state.

The Government did not take steps to respond to the 2006 report by OHCHR on the status of 49 disappeared persons whom the NA's Bhairabnath Battalion arrested and detained at the Maharajgunj barracks in Kathmandu in 2003 on suspicion of being linked to the Maoists. In 2007 an NA Investigation Task Force forwarded information on 12 of the disappeared to the Ministry of Defense and the Interim Parliament, and according to the Ministry of Defense, the information was made public. The NA reported it received no further instructions from the Government regarding the issue.

On December 17, the NHRC released a report announcing that the laboratory tests of DNA samples collected in December 2007 from a suspected mass grave site of victims disappeared by the Bhairabnath Battalion confirmed the remains of one male human. The investigation to identify these remains was ongoing at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although torture is prohibited in the Interim Constitution of 2007, the law does not clearly criminalize torture. The Torture Compensation Act (TCA) provides for compensation to victims of torture; however, the victim must file a complaint and pursue the case through the courts, while alleged perpetrators are defended by the Attorney General's Department.

The Center for Victims of Torture, Advocacy Forum-Nepal (AF), and OHCHR reported that security forces commonly blindfolded detainees and beat the soles of their feet, as well as kicked and beat detainees with plastic poles or bamboo sticks. Detainees tortured during the armed conflict also reported that perpetrators walked on their chest and abdomen, cut their skin with razor blades, kicked them in the groin, poured water into their nostrils, whipped and beat them, threatened that their family members would be raped and killed, slapped them on the head and face, made them jump up and down repeatedly, required them to eat food mixed with grains of glass, and forced them to drink human urine. Of the 3,731 detainees interviewed during the year by AF in 15 districts around the country, 1,228 claimed they were tortured. Citizens were afraid to bring cases against the police for fear of reprisals.

According to a November HRW report, there were more than 200 cases during the year of torture or abuse in police custody of boys and girls as young as 13 years, mostly during interrogations. HRW reported that children were allegedly kicked, hit in the body with fists, had metal nails inserted under their toenails, and were hit on the soles of the feet, thighs, upper arms, backs of hands, and the back with bamboo sticks and plastic pipes. A local child rights NGO, Child Workers in Nepal, registered 37 cases of abuse of children in police custody during the year.

On September 9, according to Amnesty International, police detained and allegedly tortured Sumitra Khaws at Belbari Police Station in Morang District. Police allegedly tortured Khaws for at least two hours on September 10 and tried to make her sign a confession to the murder of her husband, a charge she denied. During the interrogation the officer in charge of the station, along with a female and a male officer, allegedly beat Khaws repeatedly with the inner tube from a car tire and

punched her. The officer in charge threatened to give her electric shocks and put poisonous lizards inside her clothes, and ordered her to strip naked. Police initially allowed AF to visit Khaws at the police station but refused to allow further visits.

On October 14, police arrested Chandra Kumar Yadav of Siraha District for the murder of Communist Party of Nepal-United Marxist Leninist (CPN-UML) cadre Utim Lal Mahato. Police claimed that they brought Yadav to the district hospital for treatment. When Yadav failed to receive sufficient treatment there, police attempted to bring him to Janakpur for further treatment, but he died on the way. Yadav's family members alleged that Yadav died after being severely tortured while in custody inside the district police office at Siraha. The MPRF and other organizations staged demonstrations in Siraha to protest the killing. On October 23, police arrested Sub-Inspector Ram Bahadur Dhakal, Head Constable Hari Shankar Yadav, and Police Constable Surendra Prasad Chaudhari. At year's end the case was under investigation.

On January 13, an APF constable allegedly raped a 16-year-old girl from Nawalparasi District. The accused claimed that he and the victim had a consensual affair, but the family did not approve of the relationship; due to the girl's age authorities filed charges. The Home Ministry approved a compensation payment of approximately 490,000 rupees (approximately \$7,000).

The NA appointed two officers to investigate the 2007 rape allegation by a sixth-grade student in Siraha District against army personnel at Ranasingh Barracks in Lahan. After visiting the barracks and meeting with local officials, the officers concluded that no rape had taken place.

According to the AF, district court authorities investigated the case against three policemen and one civilian for allegedly raping a 14-year-old girl in Kanchanpur District in 2007. At year's end the three policemen were in custody, but the civilian was at large. After receiving medical treatment in Kathmandu, the girl returned home to Kanchanpur but continued psychological counseling.

The OHCHR presented no cases of alleged torture or other human rights violations against the NA.

During the year Maoists committed 141 acts of torture, according to AF. The Government failed to conduct thorough and independent investigations of reports of security force or Maoist/YCL brutality and generally did not take significant disciplinary action against those involved.

In August the OHCHR confirmed that the YCL had operated for several months so-called rehabilitation centers where YCL cadres detained, tortured, and forced alleged current and recovering drug users to donate to the YCL. The YCL abuse, meant to cure victims of their drug habits, included severe beatings, inserting syringes under fingernails, binding limbs, hanging victims upside down, and shaming with nudity and verbal assaults. The OHCHR received no further reports about the centers.

There were no further developments regarding the January 2007 case in which authorities arrested Puradi Prasad Pandey, a resident of Kalikot District, for speaking publicly about being tortured by police during his previous two arrests in 2006 and receiving numerous official death threats.

There were no developments regarding the June 2007 case in which a bus driver detained Saroj Kumar Chaudhary, a 15-year-old student, after other local children threw stones at the bus. The boy was released the next day without charge.

There were no developments regarding the 2006 case in which the NA arrested, abused, and killed six individuals, including Berendra Thapa and Wakil Shahi, two suspected Maoists.

During the year the NHRC made recommendations to the Government on 73 complaints of human rights abuses, including killings, compared with 147 complaints in 2007. Between September 2007 and April the NHRC recommended punishment for alleged perpetrators of human rights abuses in 30 cases and compensation be paid to victims in 32 cases. At year's end none of these recommendations had been implemented.

During the year AF filed five new cases, covering six individuals, under the TCA. At year's end AF reported compensation awarded in 11 cases, four were withdrawn, 24 were ongoing, and 25 cases were dismissed.

According to an OHCHR report, the NP and APF occasionally responded to provocations and protests with excessive and lethal force. For example, on February 17, during a violent rally in Nepalgunj, Banke District, the APF entered side streets, systematically forced their way into residences, and indiscriminately attacked men, women, and young children. The OHCHR observed three residents with serious head injuries and five persons with signs of lathi injuries, including bruises on the back and hip.

On February 20, in Jaispur, Banke District, following violence at a rally, a group of approximately 25 APF personnel reportedly fired at least five rounds of tear gas, as well as live ammunition. According to the OHCHR, the APF entered houses, damaged household goods, and stole some items, including money. The APF shot a 60-year-old woman in the hip after she tried to stop the officers from looting money. Her husband sustained a head injury, and several other locals reportedly were injured from being hit with lathis.

Prison and Detention Center Conditions.—Prison conditions were extremely poor and did not meet international standards. According to the director general of the Department of Prisons, 8,401 prisoners remained in jail at year's end.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults or were allowed to remain in jails with their incarcerated parents due to lack of other available options.

The Government generally permitted the NHRC and OHCHR to make unannounced visits to prisons and detainees in army and police custody. However, in some instances the police tried to hide detainees or kept NHRC and OHCHR staff waiting for hours before permitting them access. In September authorities denied the OHCHR and AF access to a woman who was allegedly beaten severely in police custody in Belbari, Morang District. The police refused to transfer the woman to the district police office, where there was a cell for women.

Although the NHRC is authorized to request government action, including the provision of compensation, the Government often denied the NHRC the right to intervene.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but arbitrary arrest occurred during the year.

Role of the Police and Security Apparatus.—The CPA called on the NP and the APF to enforce law and order across the country. However, police stood aside during most incidents of violence, particularly events involving Maoists and occasionally armed groups in the Terai. According to police accounts, government officials instructed police not to intervene in the case of Maoist and Madhesi violence for fear of endangering the peace process and elections. There were multiple events during the year in which police detained Maoist and YCL cadres for illegal acts, only to have them freed by political leadership within the Home Ministry or after intervention by other political leaders.

Both the police and NA have human rights cells to investigate cases of abuse; however, corruption and impunity remained problems. Police generally were unarmed and had the role of preventing and investigating nonterrorist criminal behavior.

At the district level, police often operated without significant guidance from superiors, allowing vast discretion in the enforcement of laws. As in 2007, there were many reports of police abuse and bribery.

On June 21, APF personnel in Banke District and on July 12 NP personnel, also in Banke District, mutinied over corruption and poor living conditions. Authorities arrested the leaders of the mutinies.

Arrest and Detention.—The law stipulates that, except in cases involving suspected security and narcotics violations, the authorities must obtain a warrant for arrest, arraign or release a suspect within 24 hours of arrest, and file a case in court within seven days of arrest; however, security forces regularly violated these provisions.

If the court upholds a detention, the law authorizes the police to hold the suspect for 25 days to complete an investigation, with a possible extension of seven days. However, security forces occasionally held prisoners longer. In some cases the Supreme Court ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, reported difficulty in obtaining bail.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police granted access to prisoners on a basis that varied from prison to prison. There is a system of bail, but bonds were too expensive for most citizens. Pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction.

Under the Public Security Act (PSA), security forces may detain persons who allegedly threatened domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. The Government may detain persons in preventive detention for up to six months without charging them with a crime. The detention period can be extended after submitting

written notice to the Home Ministry. The security forces must notify the district court of the detention within 24 hours. The court may order an additional six months of detention before the Government must file official charges.

In June authorities arrested under the PSA three Tibetan community leaders, two of whom were naturalized citizens. Three weeks later the Supreme Court ruled that the detention order failed to demonstrate an “immediate threat” to sovereignty, territorial integrity, or public order, as is constitutionally required for the use of preventive detention. The Supreme Court also found that the detention order cited the incorrect section of the PSA. This ruling resulted in the Tibetans’ immediate release.

Other laws, including the Public Offenses Act, permit detention without charge. This act, and its many amendments, covers crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the chief district officer (CDO). Police arrested many citizens involved in public disturbances, rioting, and vandalism and detained them for short periods without charge.

According to AF, in some cases detainees were brought before judicial authorities well after the legally mandated 24-hour timeline, allegedly to allow injuries from abuse to heal.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but courts remained vulnerable to political pressure, bribery, and intimidation.

The Supreme Court has the right to review the constitutionality of legislation passed by parliament. Appellate and district courts were increasingly independent, although occasionally they remained susceptible to political pressures.

The judicial system consists of three levels: district courts, appellate courts, and the Supreme Court. The Constitutional Council, chaired by the prime minister, nominates the chief justice of the Supreme Court. After an advisory hearing before the Parliamentary Special Hearing Committee, the President may then appoint the new chief justice. After advisory hearings the chief justice, on recommendation of the Judicial Council, appoints other Supreme Court justices. The council also is responsible for the assignment of judges, disciplinary action, and other administrative matters. A special court hears cases related to narcotics trafficking, trafficking in persons (mainly women and girls), crimes against the state, corruption, and crimes related to foreign currency.

Delays in the administration of justice were a severe problem. As of July 15, the Supreme Court reported a backlog of 12,956 cases, the appellate courts had 9,722, and district courts had 34,317. There was no indication that this backlog improved during the year.

Trial Procedures.—While the law provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, these rights were not equally applied except in a few security and customs cases. Judges decide cases; there is no jury system. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last resort.

The law provides detainees with the right to legal representation and a court-appointed lawyer, a government lawyer, or access to private attorneys; however, the Government provided legal counsel only upon request. Consequently, those persons unaware of their rights may be deprived of legal representation.

Military courts adjudicate cases concerning military personnel under the military code, which provides military personnel the same basic rights as civilians. Military personnel are immune from prosecution in civilian courts, except in cases of homicide or rape involving a civilian. Military courts cannot try civilians for crimes, even crimes involving the military services; these cases are handled in civilian courts.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions, but no such trials have occurred since 1991.

Although the Maoists announced the dissolution of their parallel government structures and courts in January 2007, according to police and NGO reporting, they continued to function in some districts, particularly in rural areas. Even in areas where they no longer functioned, the Maoists often expected previous decisions and sentences to be carried out. These courts had no due process and handled both criminal and civil cases. According to the OHCHR, the people’s courts did not provide minimum guarantees of due process and fair trial.

Political Prisoners and Detainees.—There were no reported political prisoners or detainees held by the Government. However, in January INSEC reported that the CPN-M operated labor camps in Pyuthan, Salyan, and Jajarkot districts, as well as a People’s Justice Committee in Kailali District. The NGO reportedly documented a total of 41 persons in captivity in CPN-M labor camps: 22 in Rukum District,

seven in Pyuthan District, and six each in Salyan and Jajarkot districts. The CPN-M in Salyan and Pyuthan districts expressed its concern that releasing the detainees would risk double punishment. The detainees were reportedly in CPN-M captivity for several years, convicted of serious crimes including murder, and some were nearing the end of their sentences. The OHCHR also monitored the "People's Justice Committee" in Kailali District.

Civil Judicial Procedures and Remedies.—During the year there were no reported government abuses of civil procedures.

Property Restitution.—The Maoists returned some previously seized property but kept most illegally seized lands and properties in their possession; they also seized additional properties.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Security forces could enter and search houses without warrants. Although illegal, the YCL in practice occasionally conducted forced searches of businesses, civilian homes, and property.

At year's end four suspects remained in custody facing charges of murder and illegal use of explosives after allegedly conducting three bombings in September 2007. According to INSEC, the individuals had been arrested following illegal searches.

Security personnel frequently conducted vehicle and body searches at roadblocks in many areas of the country.

There were no reports of the Government forcing civilians to resettle. Some persons who had resettled to escape Maoist extortion, recruitment, or retaliation could not return home.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—There was significant internal conflict in the Terai. Numerous armed groups, many ethnically based, clashed with each other and with the local population. Police were given a limited mandate and were not actively encouraged to promote law and order throughout the country. Members of the Maoists, the Maoist-affiliated YCL, and various other ethnically based splinter groups in the Terai frequently committed acts of violence, extortion, and intimidation throughout the year.

Killings.—INSEC reported that during the year armed groups killed 265 civilians, whereas the OHCHR received reports of more than 40 killings by state actors during the year.

There were no developments in the October 2007 case in which cadres of the Janatantrik Terai Mukti Morcha-Goit faction (JTMM-G) shot and killed Ram Babu Sharma Neupane, secretary of Khutawa Parsauni Village Development Committee. Bara District coordinator of the JTMM-G, Birat claimed responsibility for the killing.

Child Soldiers.—The CPA forbade the use of children under the age of 18 as soldiers in the armies of either side; however, the Maoists continued to recruit large numbers of children after signing this agreement. At year's end the 2,976 combatants verified by UNMIN to be under age 18 as of May 2006 had not been released from the cantonments.

Other Conflict-Related Abuses.—Despite being a signatory to the CPA that ended the decade-long insurgency, Maoists continued to commit abuses during the year.

Maoists regularly extorted money from businesses, workers, private citizens, and NGOs. When individuals or companies refused or were unable to pay, Maoist re-creation frequently was violent or implied the threat of violence.

On January 27, CPN-M affiliated trade union workers in Sankhuwasabha began "taxing" passenger buses, trucks, and other vehicles. Maoists reportedly threatened to beat drivers who did not comply. The Government did not take any corrective action to investigate.

According to the OHCHR, abuses by the YCL were conducted in a manner similar to those carried out earlier by other CPN-M cadres. They included abductions and ill-treatment in captivity, attacks on physical and mental integrity, and the violent disruption of political activities. They also included threats and violence against several government officials and property. Although the media reported that the YCL continued to commit tax extortion, at year's end the OHCHR had not received reports of such activities.

On January 1, a group of five persons who identified themselves as members of the YCL forced their way into the house of journalist Devendra Gautam and stole cash and valuables worth an estimated 60,000 rupees (approximately \$860).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press.

After consultation with the political parties, in the fall of 2007 the Election Commission agreed upon an Election Code of Conduct for political parties and the media for the CA election. The code, which applied to both government and private media, was enforced beginning March 9 and stipulated that all media should report on the election in a professional manner. A media monitoring program, carried out by the Press Council Nepal, found that coverage remained largely compliant, with isolated instances of violation related to bias, prejudice, and balance.

The independent media were active and expressed a wide variety of views. Hundreds of independent vernacular and English-language newspapers were available, representing various political viewpoints.

The Broadcast Act allows private television and FM radio broadcasts. The Government owned two television stations, Nepal TV and Nepal TV Metro, and controlled one radio station that broadcast both shortwave AM and FM signals. There were more than 150 independent radio stations that reached more than 90 percent of the population. Radio remained the primary source of information for a majority of the population.

Foreign publications were widely available, and none was banned or censored during the year. Foreign print media operating in and reporting on the country were allowed to operate freely.

Press offices and journalists were subjected to deliberate and organized assaults primarily from agitating armed groups in the Terai, youth wings of political parties, security personnel, and others. The Government rarely took action to investigate the cases of violence against journalists. During the year two journalists were killed and police reportedly arrested nine.

The Maoists opposed freedom of expression, and through intimidation and job actions by affiliated unions, attempted to restrict print and broadcast media. For example, in late May local CPN-M cadres attacked journalist Lucky Chaudhari over his reports about irregularities in a temple fund. According to the Federation of Nepalese Journalists (FNJ), local Maoists again attacked Chaudhari and another journalist accompanying him the following day when they tried to lodge a complaint at the Kailali District Administration Office (DAO) about the first attack. On May 28, local journalists staged a sit-in in front of the DAO demanding action against the offenders. During a confrontation with large numbers of Maoists staging a counter demonstration, the NP killed three villagers. Authorities imposed a curfew for three days after the incident, and journalists stopped going to their offices to avoid further confrontation with local Maoists and their supporters, resulting in the closing of nearly a dozen newspapers for more than a week.

On June 13, Maoist cadres attacked a reporter and district chairman of FNJ in Kalikot District during a scuffle with representatives of other political parties. The journalist sustained injuries, and his camera was damaged. Maoist cadres threatened him if he reported the incident.

On November 28, the remains of Jagat Prasad Joshi were found in a forest near Kailali District. Joshi, missing since October 8, was a journalist with the Maoist-affiliated daily Janadisha and President of the local chapter of the (Maoist) Revolutionary Journalists Association. At year's end the case was under investigation, but preliminary results indicated that Joshi was killed as a result of an internal Maoist-party dispute.

On December 21, a group of 40 to 50 persons, led by the President of the Maoist-affiliated All Nepal Hotel and Restaurant Workers' Union Ramesh Panta and the vice chairman of the Maoist-affiliated All Nepal Communications, Printing, and Publication Workers' Union Ramesh KC, attacked the editors and staff of Himalmedia. The group injured at least 12 editors and employees and damaged their offices. The unions justified the attacks as part of a labor-management dispute rather than an attack on press freedom. However, the media community, law-makers, civil society, various other professionals, and the international diplomatic community condemned the incident as an attack on press freedom.

Subsequently, there was a series of incidents between the management and workers at other media houses. On December 24, members of a Maoist trade union staged a sit-in at the regional office of Kantipur Publications in Biratnagar in an effort to pressure the publication house to meet their labor-related demands. The sit-in stopped the printing of the publication's dailies Kantipur and The Kathmandu Post from its regional press in Biratnagar, and the newspapers were not delivered in most of the eastern part of the country until the union ended the protest on December 29. Maoist-affiliated union members also threatened to shut down

Kantipur's western regional office in Pokhara. Union leaders put up a sign board and flags, closing the reception area of The Himalayan Times offices in Kathmandu.

Maoists threatened private FM radio stations to force them to broadcast Maoist propaganda, and the Maoists themselves operated both fixed site (in Kathmandu and Pokhara) and small, mobile FM radio stations.

On May 30, while addressing an election victory celebration in Kathmandu, CPN-M leader Pushpa Kamal Dahal warned Kantipur Publications of "serious consequences" if it continued to criticize his party. In his statement Dahal said that the party would "no longer tolerate criticism," given that it had been elected by the people.

In late August an FM radio station in Bajura District closed down a news-based program and expelled its anchor due to CPN-M pressure. The local CPN-M leader reportedly was unhappy over news reported by the station about Prime Minister Dahal. However, the radio management cited internal reasons as the cause of the termination of the program and dismissal of the program host.

The 49 journalists fired by government-owned Gorkhapatra Corporation in July 2007, reportedly on the basis of their political views, were not reinstated during the year.

The Maoist-affiliated YCL inhibited freedom of the press through intimidation. For example, on August 2, a local YCL leader issued a death threat to Rajesh Jha, a correspondent of state-owned wire service Rastriya Samachar Samiti (National News Agency) and central member of Nepal Press Union, in Saptari District (eastern Terai). The threat followed a news report filed by Jha regarding misbehavior of YCL cadres that caused the death of Saptari District Education Officer Mohammed Hasad Ali. The YCL leader later apologized for the threat.

On August 30, a YCL cadre beat Siddharaj Rai, a journalist and member of Press Chautari Nepal, in Dhankuta District. Rai's head and hand were seriously injured.

Members of Youth Force (YF), the youth wing of the CPN-UML, also at times engaged in attempts to control the media. On December 23, a group of YF members burned copies of a local daily newspaper (Ankush) in Birgunj, Parsa District. YF cadres, led by the district-in-charge, reportedly seized hundreds of copies of the daily from its office and set them on fire, complaining that a report in the daily falsely linked them to a fake currency racket.

Members of other small ethnically based groups committed numerous acts of violence against journalists throughout the year. For example, on January 12, a man who identified himself as the local representative of the Janatantrik Tarai Mukti Morcha militia shot and killed Pushkar Bahadur Shrestha, editor of the local newspaper Highway Weekly, published in Birgunj. The man claimed that Shrestha was killed because he was a "pahade" journalist, meaning from the hill region and not the southern plains population.

On August 7, activists of the MPRF (Bhagyanath Gupta faction) vandalized the office of Prateek daily in Birgunj, in southern Parsa District, claiming that the newspaper did not cover their activities. They smashed windows, broke furniture and a motorcycle, and damaged files and records.

On August 14, Baba Khan of the armed group Tarai National Liberation Front (TNLF) in Dhanusha District threatened Madesh-based journalist and central member of the FNJ, Shital Sah, with physical violence. Sah had been working for the freedom of journalists and media houses in the Tarai. The TNLF cadres warned journalists to stop publishing and broadcasting news in the Nepali language. In response to the repeated threats over the telephone, the FNJ district chapter decided to boycott all news related to TNLF.

Authorities and media representatives identified the alleged perpetrators of the October 2007 killing of journalist Birendra Shah, and the Maoist party admitted their cadres committed the act. However, the perpetrators were neither arrested by police nor publicly identified and disciplined by the Maoist party.

At year's end the Government had not taken further corrective action to investigate the 2007 abductions of Prakash Singh Thakuri or Pappu Gurung.

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

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

The country's media continued to report instances of abduction, extortion, and intimidation of school officials by Maoists outside the Kathmandu valley, although at a much lower level than in 2007.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of peaceful assembly and association; however, the Government sometimes restricted freedom of assembly.

Freedom of Assembly.—The law provides for freedom of assembly, and it was generally respected for citizens and legal residents of the country. By law CDOs are authorized to impose curfews if there is a possibility that peace may be disturbed as a result of demonstrations or riots.

The Tibetan community faced increased restrictions on holding public celebrations and demonstrations during the year, although the Government permitted some religious gatherings.

The Government responded to numerous Tibetan political demonstrations held in locations where such protests were restricted by police order with mass arrests, specifically in front of Chinese diplomatic facilities. According to HRW and other NGOs, at near-daily illegal protests from March through September, the police beat protesters with lathis and used excessive force against protesters. According to HRW, police arrested approximately 8,350 Tibetans at demonstrations between March and July. In August a largely peaceful Tibetan demonstration in Boudha ended in numerous arrests. Generally, the protesters were detained for several hours and released without charge. In mid-September, however, authorities held overnight more than 100 demonstrators whose legal presence in the country the Government challenged. The detained were later released into the custody of the Office of the UN High Commissioner for Refugees (UNHCR).

On February 21, approximately 60 persons were injured in six Terai districts on the ninth day of the indefinite strike called by the United Democratic Madhesh Front. Authorities arrested more than 100 persons, and 30 buses were vandalized during the strike. Authorities imposed curfews in several districts throughout the Terai region.

On September 3, local officials imposed a curfew after three days of clashes between YCL cadres and the YF injured 14 persons in Dhankuta. The following day the two groups reached an understanding at a meeting held at the DAO.

On September 15, local officials imposed a curfew along the East-West highway in Siraha District to stop the clash between the MPRF cadres and Maoist cadres after then Land Reforms Minister Matrika Yadav seized a house belonging to Birendra Shah and land belonging to 75 persons in Siraha District. The previous day the police evicted the Maoists from the property on the direction of Home Minister and Deputy Prime Minister Bamdev Gautam.

On December 10, the NP detained members of the Maoist Victims Association who had planned to stage a protest in front of the NHRC to pressure the Government to facilitate the return of land and assets seized by the Maoists. Those detained were released the same day.

Freedom of Association.—The law provides for freedom of association, and it was generally respected. In January, however, the long-running Bhota Welfare Society case concluded with a Supreme Court decision that upheld the revocation of the registration of the Bhota Welfare Society.

c. Freedom of Religion.—The interim constitution declares the country a secular state, and the law provides for freedom to practice one's own religion; however, the law prohibits converting others and proselytizing. A conviction for conversion or proselytizing can result in fines or imprisonment, or in the case of foreigners, expulsion from the country, but there were no incidents of arrest for conversion or proselytizing during the year.

Members of minority religions occasionally complained of police harassment. Authorities limited the location of and otherwise restricted many public celebrations by the Tibetan community, especially those with political overtones.

The Press and Publications Act prohibited the publication of materials that created animosity among persons of different castes or religions.

At year's end there were no arrests in the March 29 bombing of a mosque in Biratnagar, Morang District, in which at least two persons were killed and two others were injured.

On July 19, a bomb exploded in Jyoti Church, a Protestant church affiliated with the Assembly of God, in Nepalgunj. The Terai Defense Army claimed responsibility and alleged the church was in favor of a secular state. There were no casualties.

On October 4, an explosion injured at least six persons at a mosque during evening prayers in Hattimuda village in Morang District. Unidentified assailants threw a bomb into the mosque and fled. Most of the wounded individuals sustained shrapnel injuries. There were no immediate claims of responsibility for the attack. However, Muslim groups claimed the attack was an attempt to disturb communal and religious harmony. Nazrul Hassan, the President of Muslim Association of

Nepal, stated, "This is a deliberate attempt to disturb religious harmony." The association also condemned the attack and called on Muslims to exercise restraint.

Societal Abuses and Discrimination.—Although prohibited by law, citizens practiced caste discrimination in a wide variety of religious, professional, government, and social environments, and such discrimination strongly influenced society.

There are no known Jewish adherents in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement, except for most refugees, whose freedom of movement within the country is legally limited. However, these constraints were sometimes not enforced. The Government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, stateless persons, and other persons of concern.

The Government eased restrictions on some refugees' right to travel outside of the country. More than 8,000 Bhutanese refugees from among approximately 108,000 living in seven camps in the eastern portion of the country received government exit permits and resettled in third countries. Tibetan refugees continued to experience barriers to movement within the country as well as difficulty obtaining documentation for foreign travel. Those Tibetans registered as refugees prior to 1990 were able to obtain travel documents with difficulty and substantial expense. Approximately 5,000 Tibetans who reached the age of 18 after 1989, however, had not been issued refugee identification cards and continued to be unable to obtain any form of personal identity documentation.

Numerous political groups restricted freedom of movement within the country, including forcing transportation strikes, known locally as "bandhs," to bring attention to political issues. Maoist and YCL cadres called two bandhs, both prior to the election. Most bandhs were called by ethnic groups in the Terai.

Bandhs were also called on February 13 by the Federal Democratic National Forum in the Limbuwan region and by the Federal Republican National Front, particularly its member organization, United Tharu National Front, in Bardiya, Dang, and Kailali districts in the western Terai. The bandhs caused an almost complete paralysis of the Terai region and the eastern hills, resulting in the burning of vehicles that were defying the bandh, as well as clashes between protesters and police.

The law prohibits forced exile, and it was not used during the year. The Government allowed citizens to emigrate and those abroad to return and was not known to revoke citizenship for political reasons.

Internally Displaced Persons (IDPs).—Although the Government and Maoists agreed to support the safe and dignified return of IDPs to their homes, the agreement was not implemented. Several UN agencies, including the UNHCR, OHCHR, and UN Development Program, continued working with the Government to develop an IDP policy that was consistent with international principles. The UNHCR estimated a population of between 50,000 and 70,000 IDPs in the country; however, Caritas estimated a population of approximately 200,000 IDPs in the country. The Government allowed several international organizations, such as the International Committee of the Red Cross, Caritas, and Action Aid Nepal, to initiate programs to assist IDPs. According to UN agencies and international NGOs, the main obstacles preventing most IDPs from returning continued to be fear of Maoist reprisal, refusal by local Maoist commanders to allow IDPs to return home, and conflict with those occupying the houses and lands of IDPs.

Protection of Refugees.—The Government is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the laws do not provide for the granting of asylum or refugee status. The Government, however, has in place ad hoc administrative policies that provide some protection for Bhutanese and Tibetan refugees.

Since 1991 the Government has provided asylum to approximately 108,000 persons who claimed Bhutanese citizenship. Almost all of these refugees lived in camps in the southeastern part of the country. The UNHCR administered the camps and monitored the condition of the refugees, and international organizations and NGOs provided for their basic needs, including education and healthcare. The Government continued to accept the refugees' presence on humanitarian grounds. Lutheran World Federation provided the infrastructure for the camps, and the World Food Program provided food assistance; the Association of Medical Doctors of Asia provided medical care, and Caritas provided education assistance and coordination. The

Government officially restricted the refugees' freedom of movement and work, but those restrictions were largely unenforced.

Security was a problem in the camps through most of the year, both due to criminal elements in the camps and residual, although gradually fading political disputes among the refugees over third-country resettlement. The security situation improved during the year, principally as a result of increased government attention to security in the camps. At year's end more than 8,000 Bhutanese refugees had been resettled to third countries.

Between 1959 and 1989, the Government accepted approximately 20,000 Tibetan refugees as residents. Since that time most Tibetans arriving in the country have transited to India. However, some remained or returned, although the exact number was not known.

Following the March 10 protests and subsequent riots in the Tibet Autonomous Region and other Tibetan areas of China, the People's Republic of China closed the border with Nepal. From March to July almost no Tibetans were able to enter the country. By year's end, however, the situation appeared to ease slightly. Small but gradually increasing numbers of Tibetans began to arrive from Tibet beginning in August. There were credible reports by Tibetan refugees and international observers of increased harassment by Chinese border guards, and various reports indicated Chinese authorities often operated on the Nepali side of the border, with the knowledge and consent of Nepali border officials.

Many of the Tibetans who lived in the country had irregular status. Those who arrived subsequent to 1990 had neither status nor documentation. Even those with acknowledged refugee status had no legal rights beyond the ability to remain in the country. Business ownership, licenses, and most legal transactions, including documentation of births, marriages, and deaths, must be accomplished through the auspices of an intermediary for a price. This made Tibetans especially vulnerable to those, primarily Maoists and YCL, who extorted money from business owners. Tibetans also reported abductions for extortion, violent attacks, and threats of violence.

In practice the Government usually provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, there were numerous unconfirmed reports of Tibetans captured in the border area by Chinese border authorities and several unconfirmed reports of border officials handing over Tibetans to Chinese border authorities.

On January 15, authorities arrested 19 Tibetan refugees near Namche. According to the UNHCR, officials threatened the refugees with forced repatriation but eventually released them near the Tibetan border and in close proximity to Chinese border officials. Although the individuals arrived safely at the Tibetan Refugee Reception Center, several of the refugees exhibited injuries consistent with being beaten and reported that the NP told them they would be shot if they made a subsequent attempt to reach Kathmandu.

In mid-November authorities arrested three Pakistani refugees for illegal residency. The arrests violated the agreement between the UNHCR and the Government that no asylum seekers would be arrested or deported until the UNHCR and the Government had agreed on procedures to restart refugee determinations. After the UNHCR intervened on the refugees' behalf, two were released and the third was summarily sentenced to 10 years in prison.

The Government also allowed the UNHCR to provide limited services for the so-called urban refugees, asylum seekers from countries such as Somalia, Pakistan and Iraq, but objected to the UNHCR's mandated practice of making refugee status determinations. In March 2007, at the request of the Government, the UNHCR suspended refugee status determinations pending further discussions with the Government; the UNHCR was not permitted by the Government to resume refugee status determinations. Urban refugees were denied refugee status determinations and were assessed heavy fines for illegal residence in the country. Failure to pay these fines may result in prison sentences or detentions.

Stateless Persons.—In 1995 the government-established Dhanapati Commission estimated that 3.4 million individuals in the country were de facto stateless. While the Government acknowledged that they were Nepalis, they were not holders of the citizenship certificate (issued to citizens at the age of 16) without which a considerable number of rights of citizenship cannot be enjoyed. As a result of the 2006 Citizenship Act, between January and April 2007 the Ministry of Home Affairs distributed citizenship certificates to 2.6 million persons, but by the end of 2007 NGOs estimated that approximately 800,000 de facto stateless persons remained in the country.

The lack of a governmental office on statelessness issues limited progress in providing citizenship certification to the remaining population of stateless persons.

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

The law provides citizens with the right to change their government peacefully.

Elections and Political Participation.—On April 10, citizens elected members for a CA to serve as both a legislature and constitution drafting body. Domestic and international observers accepted the election results as credible, although there were reports of political violence, intimidation, and voting irregularities. The most recent local elections, held in 2006, were not considered free and fair.

The CA consists of 601 members, with 240 elected by a first-past-the-post system, 335 by proportional representation, quotas for Dalits, oppressed caste/indigenous ethnic groups, Madhesi, women, and other underrepresented groups, and 26 nominated by the cabinet. CA members classified as oppressed or members of minority ethnic groups constituted 35 percent of the total, and 33 percent were women. The President and vice President belong to the historically disadvantaged Madhesi ethnic community.

A domestic NGO, Democracy and Election Alliance Nepal (DEAN), reported 241 incidents of preelection violence, including the killing of two candidates during the campaign. According to DEAN, Maoists committed most, but not all, of the 30 killings and 81 abductions prior to the April elections. DEAN reported four persons killed, including one candidate, eight abducted, and 112 injured on election day. Numerous party cadres were injured in clashes, including seven Maoists killed and 16 injured in a clash with police in Dang on April 8. Most political parties also reported that their party workers were not able to campaign freely in particular districts. Although the Election Commission decided to conduct repolling at more than 100 polling sites due to violence, booth capture, and other irregularities conducted primarily by the Maoists/YCL, domestic and international observer groups accepted the election results.

There are no specific laws that restrict women, indigenous people, or minorities from voting or participating in government or in political parties, but tradition limited the roles of women and some castes and ethnicities in the political process. Members of certain castes traditionally held more power than others. Of the 23-member cabinet, eight members were from ethnic minority communities. There were four women in the cabinet serving with the rank of minister. Most of the larger political parties had associated youth wings, trade unions, and social organizations.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. The Commission for the Investigation of the Abuse of Authority, mandated to investigate official acts of corruption, claimed a 75 percent success rate concerning corruption cases it filed, but some cases involving politicians were not filed or were defeated in court.

In July 2007 the interim parliament passed the Right to Information Bill, which mandated that public organizations provide citizens with information as quickly as possible and that inquiries should be met within 15 days following the request. If authorities deny individuals access to information, the officials must provide a valid explanation. The bill provides five exemptions for withholding information: to facilitate the investigation and filing of criminal cases, to protect the economic and commercial interests of the country, to preserve banking and commercial secrecy, to prevent a disruption of communal harmony, or to prevent a disruption to personal life or security.

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

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

There were approximately 13 independent, domestic human rights NGOs, including AF, the Human Rights Organization of Nepal, INSEC, Inhured, the Human Rights and Peace Society, and Him Rights. The Nepal Law Society also monitored human rights abuses, and a number of other NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.

According to the UN Office for the Coordination of Humanitarian Affairs, there were occasional credible claims that Maoists interfered with the operations of international NGOs.

The Government welcomed and regularly granted visas to international NGOs and other human rights monitors, including members of Amnesty International and HRW. Authorities generally gave international observers access to barracks and

places of detention. International observers were not granted access to courts martial and military investigations.

As set out in the 2006 CPA, the OHCHR worked with the Government to formulate and implement policies and programs for the promotion and protection of human rights.

During the year the OHCHR issued 54 press releases and eight reports. The reports dealt with the elections, the February Terai protests, the September 2007 killings in Kapilvastu, and disappearances in Bardiya District between 2001 and 2003, among other subjects. The media covered all reports freely.

After the commissioners of the NHRC were sworn in September 2007, the NHRC began to investigate past and current allegations of abuses. Resource constraints and insufficient manpower restricted the number of cases the commission investigated. Once the NHRC completes an investigation and makes a recommendation, the Government has three months to respond. The commission received 674 complaints of human rights violations during the year. The NHRC also investigated illegal detention and arrest of acquitted persons. The NHRC reported open access to government detainees across the country.

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

The law specifies that the Government shall not discriminate against citizens on grounds of race, sex, caste, or ideology; however, a rigid caste system continued to operate throughout the country in many areas of religious, professional, and daily life. Societal discrimination against lower castes, women, and persons with disabilities remained common, especially in rural areas.

Women.—Under the civil code, sentencing provisions for rape depend on the age of the female victim, with the maximum possible jail sentence of 10 to 15 years if the victim is under the age of 10, and the minimum possible jail sentence of five to eight years if the victim is over the age of 20. The victim's compensation is dependent on the degree of mental and physical torture suffered. Under the Gender Equality Amendment Act of 2006, the definition of rape includes marital rape, and the husband can be jailed for three to six months.

Incidents of rape continued to be a problem and went unreported in most cases. Between July 2007 and June, 309 cases of rape and 73 cases of attempted rape were filed in the court, according to the women's police cell. A 2003 survey by the domestic NGO Saathi found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the Government arrested and convicted the perpetrator. According to SAATHI, police and the courts were quick to respond to rape cases.

Domestic violence against women remained a serious problem that received limited public attention. There was a general unwillingness among police, politicians, citizens, and government authorities to recognize violence against women as a problem. Sensitizing programs by NGOs for police, politicians, and the general public continued to lead to a greater awareness of the problem. The women's cell of the police received 881 reports of domestic violence between July 2007 and June. However, in the absence of a domestic violence law, police were unable, or unwilling, to file cases against the accused.

Police had women's cells in 41 of the country's 75 districts. The female officers in the cells received special training in handling victims of domestic violence and trafficking. Police also issued directives instructing all officers to treat domestic violence as a criminal offense. Police officials reported that this type of directive was difficult to enforce because of entrenched discriminatory attitudes among police. Even if police made arrests, often neither the victim nor the Government pursued prosecution.

On June 6, the husband and mother-in-law of Laxmi Bohara, of Kanchanpur District, forced her to swallow poison because they were upset with her activities as a women's and health rights activist. Authorities initially reported her death as a suicide. A public campaign demanding an investigation of the killing drew the attention of the general public, the Government, and CA members. In August, as a result of the campaign and protests, the Government formed a seven-member task force, coordinated by the Secretary from the office of the Prime Minister, to address the issue of violence against women. At year's end the high-level task force investigative report was submitted to the Government, but it was not made public.

The dowry tradition was strong in the Terai districts bordering India, but the killing of brides over dowry disputes was rare. More often, husbands or in-laws seeking additional dowry physically abused wives or forced the woman to leave so that the man could remarry.

At year's end the husband and in-laws of Hasrun Idris remained in custody awaiting the outcome of their trial for allegedly burning Hasrun in November 2007 because they were dissatisfied with the dowry her family had paid.

Traditional beliefs about witchcraft generally involved elderly rural women and widows. Shamans or other local authority figures sometimes publicly beat and physically abused suspected witches as part of an exorcism ceremony. The media and NGOs reported numerous cases of this superstition-related violence during the year. For example, Makharin Khatun, an elderly woman from Birgunj, was fed human excrement due to claims that she was a witch. Khatun lodged a report with the police, but in the absence of a law prohibiting such actions, the perpetrators were set free on bail. Similar incidents were seen in other parts of the country. There was no government mechanism to prevent such abuses or provide compensation to the abused.

Trafficking in persons, mainly women and girls, remained a serious problem throughout the country, and large numbers of women were forced into commercial sexual exploitation in other countries and increasingly within the country. Forced prostitution is illegal, but there are no laws banning prostitution by choice. Kathmandu police estimated there were approximately 32,000 female sex workers in the Kathmandu valley and approximately 150,000 throughout the country. However, on November 30, the media reported 30,000 female sex workers in the country.

Although the law provides protections for women, including equal pay for equal work, the Government did not take significant action to implement those provisions, even in many state industries. The Gender Equality Bill of 2006 contains a provision against sexual harassment. The bill provides penalties of up to a one-year jail sentence and a fine of up to 10,000 rupees (\$126). However, the bill was not properly implemented, and government enforcement was weak.

In August the Supreme Court publicized its decision upholding the right of women to equal wages for work of equal value. In its decision, the Court referred to the Convention on the Elimination of all Forms of Discrimination against Women regarding the right of women to parity in remuneration, as well as constitutional protections.

Women faced systematic discrimination, particularly in rural areas, where religious and cultural traditions, lack of education, and ignorance of the law remained severe impediments to the exercise of basic rights, such as the right to vote or to hold property in their own names.

Citizenship may pass through the mother, and the children of female citizens married to foreign spouses can claim citizenship. Women may register birth and death information. Women did not need permission from their husband or parents to get a passport. Unmarried, widowed, and divorced women were able to inherit parental property. Women did not need the permission of their husband, son, or parents if they wished to sell or hand over ownership of property.

Many discriminatory laws remain even after the 2006 Gender Equality Act amended 56 out of 173 discriminatory provisions in various laws. For example, the law on property rights favors men in its provisions for land tenancy and the division of family property. The Foreign Employment Act requires women to get permission from the Government and their guardian before seeking work through a foreign employment agency. The law encourages bigamy by allowing men to remarry without divorcing their first wife if she becomes incapacitated or infertile.

According to the 2001 census, the most recent statistics available, the female literacy rate was 43 percent, compared with 65 percent for men. NGOs focused on integrating women into active civil society and the economy. Most political parties had women's groups that advocated for women's rights and brought women's issues before the party leadership.

Children.—Although the law provides for the welfare and education of children, its implementation was uneven. Education was not compulsory. However, government policy provided free primary education for all children between the ages of six and 12 years. Approximately 70 to 75 percent of boys who worked went to school, compared with only 50 to 60 percent of the girls who worked. Human rights groups reported that girls attended secondary schools at a rate half that of boys. In 2003 the Department of Education issued a report that one-quarter of elementary school-age girls were deprived of basic education. The Government claimed that 86 percent of school-age children were attending public schools. There were a reported 3,500 madrassas functioning throughout the country.

The Government provided basic health care free to children and adults, but government clinics were poorly equipped and few in number, and serious deficiencies remained. Some health clinics in rural areas were forced to close due to Maoist intimidation.

Violence against children rarely was prosecuted, and abuse primarily manifested itself in trafficking of children. Commercial sexual exploitation of young girls remained a serious problem. Community Action Center (CAC), an NGO working with female sex workers, identified 3,648 working in Kathmandu valley since 2006. CAC did not report underage minors to be engaged in prostitution.

Societal attitudes in parts of the country viewed a female child as a commodity to be bartered in marriage or as a burden. Some persons considered marrying a girl before menarche an honorable, sacred act that increased one's chances of a better afterlife. As a result, although the law prohibits marriage for girls before the age of 18, child brides were common. Social, economic, and religious values promoted the practice of child brides. According to the Ministry of Health, girls' average age of marriage was 16 years, and boys' average age was 18. An age difference in marriage often was cited as one cause of domestic violence.

Internal displacement due to the decade-long Maoist conflict, including of children, continued to be a problem, with estimates of the number displaced ranging widely. According to a 2005 Caritas report, approximately 40,000 children had been displaced. As IDPs children faced inadequate access to food, shelter, and health care and had limited access to education.

Reports of missing children increased from 2007. Between July 2007 and June, a total of 800 children (435 boys and 365 girls) were reported missing. Many of the missing children were presumed to have been trafficked. Of the 800 missing children, police records indicate that 14 boys and 63 girls were later found.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, trafficking in women and children remained a serious problem.

The country was a source country for trafficking. Young women were the most common targets. Trafficking of boys rarely was reported, but girls as young as nine years of age were trafficked, primarily to neighboring countries, including India. While the vast majority of trafficking was of women and girls for sexual exploitation, men, women, and children were also trafficked for domestic service, manual or semiskilled bonded labor, work in circuses, or other purposes. Men were also trafficked for involuntary servitude in Iraq by labor recruiting agencies; they generally were promised jobs in other Gulf countries but were subsequently transferred to Iraq under threat or deception. There were more reports than in previous years that men were trafficked for labor exploitation to Gulf countries. Pourakhi, a NGO working with returnee migrant workers, estimated 3 percent of the more than 5,000 migrant workers per year who departed for destinations other than India were trafficked. Most women and girls trafficked from the country went to India, lured by promises of good jobs or marriage.

An estimated 12,000 women and children were trafficked into sexual exploitation in Indian brothels, and an unspecified number were victims of internal sex trafficking. Traffickers posing as labor recruiting agencies sent women to Saudi Arabia, Malaysia, Hong Kong, the United Arab Emirates, and other Gulf states for sexual exploitation and domestic servitude.

Internal trafficking for forced labor and sexual exploitation also occurred and appeared to have increased during the year. According to studies conducted by Save the Children and Action Aid, internal trafficking likely was on the rise due to the lingering effects of the insurgency, as rural women and children left their homes to seek employment and security in urban centers. A 2007 NHRC Report estimated that approximately 40,000 female workers between the age of 12 and 30 years worked in 1,200 cabin and dance restaurants and massage parlors in the Kathmandu valley. The girls reported having been assured jobs, primarily in the Middle East or Gulf countries.

Traffickers were usually domestic or from India and had links to brothels in India, but recruiters who sought girls in villages were primarily citizens. In many cases parents or relatives sold women and young girls into sexual slavery. Corruption was also believed to facilitate trafficking, but there were few reported investigations or prosecutions of complicit government officials. The Government initially identified 26 high-priority districts as source areas of trafficking and established antitrafficking task forces in each of those districts. Women and youth displaced from homes as a result of the insurgency were especially vulnerable to being trafficked.

During the year enforcement of antitrafficking statutes improved but remained sporadic. The law prohibits the selling of persons in the country or abroad and prescribes imprisonment of up to 20 years for infractions. However, implementation of the 2007 Trafficking in Persons and Transportation Control Bill was poor, reportedly due to lack of knowledge regarding provisions and the weak rule of law situation in the country.

Police records of trafficking cases and cases registered by NGOs did not match. Maiti Nepal, the country's largest antitrafficking NGO, registered 27 cases of trafficking in the Kathmandu district court. According to the Attorney General's Office, the Government filed 183 trafficking cases in the district attorneys' offices across the country for one year following July 2007. By July 14, of the 183 cases, 37 resulted in full or partial convictions, 22 in acquittal, and 124 remained under investigation.

On September 6, the district court of Bardiya convicted two women, Jamuna Pariyar and Khimi Pariyar, to 20 years of imprisonment for selling two girls to a brothel in India in 2004 for 40,000 rupees (\$571).

The Government did not monitor adequately labor recruiting agencies to ensure that workers going abroad attended premigration orientation sessions or that labor contracts were honored after worker arrival in receiving countries. Recruiters in the country who used deception to trick workers into forced labor in Iraq despite a government ban remained largely unmonitored and unpunished.

The Government had a national plan to combat trafficking and a National Rapporteur on Trafficking; however, political instability and security problems hindered the Government's antitrafficking efforts.

Official corruption related to identity documentation and at ports of entry continued to facilitate the illicit movement of persons across the country's borders. The National Task Force at the Ministry of Women, Children, and Social Welfare (MWCSW) continued to coordinate the response to trafficking cases. There were programs in place to train police, and the MWCSW worked closely with local NGOs to rehabilitate and otherwise assist victims. Police women's cells in 41 districts worked with NGOs to provide referral services to victims of trafficking and domestic violence.

The Government provided limited funding to NGOs to give assistance to victims with rehabilitation, medical care, and legal services. The MWCSW sponsored job and skill training programs in several poor districts with high rates of commercial sex workers who were sent to India. The Government protected the rights of victims and did not detain, jail, or prosecute them for violations of other laws.

The Government, together with NGOs and international organizations, implemented local, regional, and national public awareness campaigns on trafficking in persons; however, the Government failed to provide adequate police training and resources or prompt adjudication. Government welfare agencies worked with NGOs to deliver public outreach programs and assistance to trafficking victims. Maiti Nepal stationed rehabilitated trafficking victims as guards with government officials to intercept trafficking victims at border crossings.

Maiti Nepal provided transit homes for girls rescued from trafficking. Transit homes were located in border towns of eight districts through which many girls were trafficked into India. During the year 2,351 children and women stayed at the transit homes after authorities intercepted them while they were in the process of being trafficked. At the Maiti Nepal Rehabilitation and Protection Home, children and women could stay up to six months and learn income-generating skills. At year's end 341 children and women were residing in Maiti Nepal's rehabilitation home in Kathmandu. Other NGOs also provided transit homes.

During the year Maiti Nepal's head office rescued and repatriated 71 children and women from India and the Gulf countries. Many had been expelled from their brothels after contracting sexually transmitted diseases or tuberculosis. Most were destitute, and according to estimates by Maiti Nepal and ABC Nepal, 50 percent were HIV-positive. Maiti Nepal operated a hospice for HIV-positive trafficking victims and their children. Another NGO, Shakti Samuha, rehabilitated 38 girls and women during 2007.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law does not prohibit discrimination against persons with physical and mental disabilities, and there was discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law mandates access to buildings, transportation, employment, education, and other state services, but these provisions generally were not enforced. The Government did not implement effectively or enforce laws regarding persons with disabilities. The MWCSW was responsible for the protection of persons with disabilities. Some NGOs working with persons with disabilities received funding from the Government; however, most persons with physical or mental disabilities relied almost exclusively on family members for assistance.

National/Racial/Ethnic Minorities.—The law provides that each community shall have the right "to preserve and promote its language, script, and culture" and that

each community has the right to operate schools at the primary level in its native language. In practice the Government generally upheld these provisions.

There were more than 75 ethnic groups that spoke 50 different languages. In remote areas school lessons and radio broadcasts often were in the local language. In urban areas education was almost exclusively offered in Nepali or English.

Discrimination against lower castes and some ethnic groups, particularly Madhesis and Janajatis, was especially common in the Terai and in rural areas in the western part of the country, even though the Government outlawed the public shunning of Dalits and made an effort to protect the rights of the disadvantaged castes. Economic, social, and educational advancement tended to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu valley, were slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes continued to dominate politics and senior administrative and military positions and control a disproportionate share of natural resources.

Caste-based discrimination, including barring access to temples, is illegal; however, Dalits were barred occasionally from entering temples. Progress in reducing discrimination was more successful in urban areas.

Resistance to inter-caste marriage (upper and lower caste) remained high. In June, 12 Dalit families residing in Surkhet District were forced to leave the community when a Dalit man married a non-Dalit woman. The village divided into Dalit and non-Dalit factions. The non-Dalit families held the Dalit boy's sisters captive, and villagers severely beat the bride and the groom.

On July 29, a Dalit Chamar family in Rupandehi District received death threats from members of an upper-caste family because the Dalit family's pig had touched the upper-caste family's pots.

Other Societal Abuses and Discrimination.—The country has no laws that specifically criminalize homosexuality; however, government authorities, especially police, sometimes harassed and abused homosexuals. According to Blue Diamond Society, an indigenous NGO, harassment of homosexuals continued.

On June 11, police arrested two transgender individuals in Kathmandu but released them after three hours.

On June 30, the Nepal Army Court upheld the NA's 2007 decision to fire Bhakti Shat for being a lesbian. On September 26, Shat filed an appeal at the Supreme Court. The case was pending at year's end.

As a result of the December 2007 Supreme Court decision that sexual minorities are natural persons, transgender individuals may be issued third-gender identification cards. On September 17, the first transgender individual received a citizenship certificate. On November 17, the Court confirmed its summary decision and issued a directive order to the Government to form a seven-member committee to study other countries' laws on same-sex marriage and provide a recommendation for a same-sex marriage bill. The budget, adopted in September, also reportedly included line items for transgender treatment and homes.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the freedom to establish and join unions and associations, and these rights were protected unevenly in practice. The law permits the restriction of unions only in cases of subversion, sedition, or similar conditions. However, members of the armed forces and the police are not permitted to form a union, and members of the management of private or public enterprises are not permitted to take part in union activities. Trade unions developed administrative structures to organize workers, bargain collectively, and conduct worker education programs. The three largest trade unions were affiliated with political parties.

Only 10 percent of the total workforce was in the formal sector, the remaining 90 percent worked in the informal sector. Out of the formal sector workforce, 75 percent participated in unions. The law contains enabling regulations; however, the Government did not fully implement these acts. The law defines procedures for establishing trade unions, associations, and federations. It also protects unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers.

The Government enforced some barriers to the participation in union federations through minimum required thresholds for the formation of trade union federations and confederations. The Government did not restrict unions from joining international labor bodies. Several trade federations and union organizations maintained a variety of international affiliations.

The law provides the right to strike except by employees in essential services, and workers exercised this right in practice. The Government at times used the legislation to ban strikes in many sectors, including banking, telecommunications, electricity, water supply, road, air and sea transport, the print industry, the Government, press, and hotels and restaurants. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affects the nation's economic interests. Under the law 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal, and the union is required to give notice 30 days before a strike.

The Maoist trade union organized workers and intimidated businesses extensively after the 2006 cease-fire. Maoist-inspired work stoppages, enforced through violence and intimidation, caused particular hardship to workers in many economic sectors.

On January 10, the CPN-M affiliated All Nepal Tailoring Workers Union allegedly closed a tailoring shop in Kathmandu demanding letters of appointment for workers in the shop. The shop reportedly remained closed, and the owner continued to receive calls from the trade union but no threats.

In early September the Maoist-affiliated All Nepal National Trade Union Federation shut down Dabur Nepal, Narayani Rolling Mills, Birgunj Food Industry, Triveni Impex and Pashupati Industries in Bara District. After three weeks Dabur Nepal was able to reopen.

In mid-September labor agitations disrupted the operations of the Coca Cola Company. On September 18, labor union members barred the factory gate of Bottlers Nepal (Terai) Limited, resulting in a three-day illegal blockade, and management was unable to enter the premises. On September 21, an illegal labor agitation shut down Bottlers Nepal Limited in Kathmandu for three days.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, but the organizational structures to implement the act's provisions were not established. The Government allowed unions to operate freely and without interference. Collective bargaining agreements covered an estimated 10 percent of wage earners in the organized sector; however, in general labor remained widely unable to use collective bargaining effectively due to legal obstacles to striking and inexperience on the part of labor leaders. According to the General Federation of Nepalese Trade Unions, collective bargaining was not effective in newly established factories and industries, but it was successful in some of the well established factories and industries. Many workers also faced threats or dismissal for attempting to organize a union.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The Ministry of Labor enforced laws against forced labor only in the small formal sector.

Enforcement of the Kamaiya Prohibition Act of 2002 by the Government was uneven, and social integration of the Kamaiyas-former bonded laborers- was difficult. During the year the Government rehabilitated an additional 2,658 Kamaiyas, bringing the total rehabilitated to 14,677 out of a total 18,400, mostly living in Dang, Banke, and Kanchanpur districts. Most Kamaiyas not rehabilitated lived in Bardia and Kailali districts.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law stipulates that children shall not be employed in factories, mines, or 60 other categories of hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek (six hours a day and six days a week, between 6 a.m. and 6 p.m.). The Child Labor Act of 2000 applies only to formal sectors of the economy, such as tourism, cigarette or carpet factories, and mines.

Child labor was a significant problem, particularly in the large informal sector, which included such businesses as portering, rag picking, and rock breaking. Resources devoted to enforcement were limited, and NGOs estimated that 2.6 million children, most of them girls, participated in the labor force. Of that number, 1.7 million children worked full time. The agricultural sector accounted for an estimated 95 percent of child laborers.

The law establishes a minimum age for employment of minors at 16 years in industry and 14 years in agriculture, and it mandates acceptable working conditions for children. Employers must maintain records of all laborers between the ages of 14 and 16. The law also establishes specific penalties for those who unlawfully employ children. However, the necessary regulations have not been fully implemented. An estimated 60 percent of children who worked also attended school.

The Ministry of Labor, responsible for enforcing child labor laws and practices, had a mixed enforcement record. According to the ministry, there were 10 labor in-

spectors employed during the year. The Ministry of Labor reported that it carried out 851 labor inspections across the country during the 12-month period ending in July. The inspectors found no children working, and no legal action was taken.

e. Acceptable Conditions of Work.—Effective September 17, the minimum wage for unskilled laborers was approximately 4,600 rupees (approximately \$65)-3,050 rupees (\$43) as a basic salary, and 1,550 rupees (\$22) as an allowance. Wages for semi-skilled workers was set at 4,650 rupees (\$66), for skilled workers at 4,760 rupees (\$67), and for highly skilled workers at 4,950 rupees (\$70). It is possible to increase this wage through a tripartite mechanism comprised of representatives of the Government, the employer, and the employee. Wages in the informal service sector and in agriculture often were as much as 50 percent lower. The law calls for a 48-hour workweek, with one day off per week and one half-hour rest per eight hours worked, and it limits overtime to 20 hours per week with 50 percent overtime pay per hour. None of these minimum wages were sufficient to provide a decent standard of living for a worker and family. Labor regulations also apply to foreign and migrant workers.

The Government sets occupational health and safety standards, and the law establishes other benefits such as a provident fund and maternity benefits. Implementation of the law was slow, as the Government did not create the necessary regulatory or administrative structures to enforce its provisions. Workers did not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remained minimal.

PAKISTAN

Pakistan is a federal republic with a population of approximately 173 million. During the year, civilian democratic rule was restored in the country. President Asif Ali Zardari, widower of assassinated Pakistan People's Party (PPP) leader Benazir Bhutto, became head of state on September 6, replacing former President Pervez Musharraf, who resigned on August 18. International observers noted that parliamentary elections on February 18, while flawed, were competitive and reflected the will of the people. The election brought to power former opposition parties, led by the PPP, in a coalition government; the national parliament elected Yousuf Gilani as prime minister and head of government on March 24. The PPP and its coalition partners at year's end controlled the executive and legislative branches of the national government and three of the four provincial assemblies. Of the 13 Supreme Court justices whom then President and Chief of Army Staff Musharraf dismissed in November 2007, by year's end the new government had reinstated five under a fresh oath of office; three retired or resigned; and five remained off the bench, including former Chief Justice Iftikhar Chaudhry. The newly elected government did not enforce media restrictions adopted during the 2007 state of emergency. It lifted curbs on unions imposed during Musharraf's tenure, so at year's end workers in some industries could organize legally. In an effort to quell the insurgency in Balochistan, the Government withdrew politically motivated charges and exit control restrictions against some Baloch leaders. While the security forces generally accepted direction from the civilian authorities during the year, there were some instances in which elements of the security forces acted independently of civilian authority. The chief of army staff withdrew 3,000 active duty military officers from civil service positions assigned by former President Musharraf.

Despite some improvements after the state of emergency at the end of the previous year, the human rights situation remained poor. Major problems included extrajudicial killings, torture, and disappearances. There were also instances in which local police acted independently of government authority. Collective punishment was a problem particularly in the Federally Administered Tribal Areas (FATA), which falls under the legal framework of the Frontier Crimes Regulation (FCR). Lengthy trial delays and failures to discipline and prosecute those responsible for abuses consistently contributed to a culture of impunity. Poor prison conditions, arbitrary arrest, and lengthy pretrial detention remained problems, as did a lack of judicial independence. Corruption was widespread within the Government and police forces, and the Government made few attempts to combat the problem. Although implementation of the 2006 Women's Protection Act somewhat improved women's rights, rape, domestic violence, and abuse against women remained serious problems. Honor crimes and discriminatory legislation affected women and religious minorities respectively. Religious freedom violations and inter-sectarian religious conflict continued. Widespread trafficking in persons, child labor, and exploitation

of indentured and bonded children were ongoing problems. Child abuse, commercial sexual exploitation of children, discrimination against persons with disabilities, and worker rights remained concerns.

Military operations in the FATA and the Northwest Frontier Province (NWFP) killed approximately 1,150 civilians, and militant attacks in FATA and NWFP killed 825 more civilians. Sectarian violence in the country, most notably in Kurram Agency, killed approximately 1,125 individuals. More than 65 suicide bombings throughout the country killed an estimated 970 individuals. In Balochistan, the low-level insurgency killed approximately 125 civilians, according to media reports. Ongoing battles with militants created a fluctuating number of internally displaced persons (IDPs), but at year's end there were an estimated 200,000 IDPs in the NWFP and FATA. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Reports of arbitrary or unlawful killings by government agents and politically motivated killings continued during the year, as did arbitrary or unlawful killings of civilians in conflict. (See Section 1.g.)

Some targeted killings of political dissidents and individuals accused of crimes resulted from staged encounters and excessive physical abuse while in official custody. Through November the nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported 64 civilian deaths after encounters with police and 101 deaths in jails. The police stated these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide. Human rights observers, family members, and the media, however, reported security forces staged many of the deaths.

The Government frequently investigated, and sometimes convicted, police officials for extrajudicial killings. Through August 2008 the inspector general of the Punjab Police reported its provincial police force disciplined 973 officials for a variety of crimes. Lengthy trial delays and failures to discipline and prosecute those responsible for abuses, however, consistently contributed to a culture of impunity.

On January 24, Allah Bakhsh died after a night in police custody near Khanewal, Punjab. The Human Rights Commission of Pakistan (HRCP) reported Bakhsh allegedly died of torture, although police claimed he died of cardiac arrest.

On May 4 or 5, policeman Jafar Husain and two others allegedly tortured Rafique Masih to death in a Lahore police station, according to the HRCP. A police official told the media the lower part of Masih's body had torture marks on it. Officially the cause of death was listed as cardiac arrest, but authorities said that torture could not be ruled out and that a murder case was registered against three policemen.

On August 18, police allegedly tortured Falak Sher in custody in Sheikhpura, Punjab; his body was later discovered in a nearby field. After people in the surrounding areas demonstrated against the death, the district police officer lodged a case against the officer in charge of the investigation, Arshad Latif. Sub-Inspector and then Station House Officer (SHO) Muhamad Khalid was suspended. In November Sher's family accepted a financial settlement in the case.

On October 15, prison guards shot and killed three inmates during riots at Karachi's Malir District Jail, and a fourth was killed by a blunt object, according to the HRCP. Prison guards reportedly were ordered to open fire due to fears of a jailbreak. On October 16, authorities lodged cases against 69 inmates involved in the incidents. Prison authorities sent the 225 "key culprits" to other jails and suspended five jail officials and one police official from active duty.

By year's end, authorities had transferred two police officers accused of involvement in the 2007 death in custody of Ali Nawaaz in Karachi. Although a doctor reportedly told Nawaaz's family he died of kidney failure, the family claimed they saw marks of torture on his body, including wounds on his head, neck, left kidney, legs, and back. Police initially refused to act on the matter, but after many citizens pressured the police to ask the father to lodge a case, the father registered it.

A trial in the Rawalpindi Anti-Terrorism Court was ongoing at year's end in the May 2007 death of Supreme Court Additional Registrar Syed Hammad Raza. After an initial investigation, police said the killing was in connection with a robbery; Raza's family and his colleagues in the legal community accused security agencies of the killing because of Raza's alleged relationship with then suspended Chief Justice Iftikhar Chaudhry.

Initial investigations into the death of Malik Zaheer in September 2007 when he was on trial for the murder of Arif Bhinder indicated Zaheer died of natural causes. Subsequent investigation revealed evidence of torture on Zaheer's body, and Zaheer's relatives filed an appeal of the official findings in the Lahore High Court. The case was ongoing at year's end.

The inquiry into the death of Arif Bhinder, the Punjab assistant advocate general who was killed in Lahore in January 2007, was ongoing at year's end in the Lahore Anti-Terrorism Court.

There were no developments in the 2006 death in custody of Habibur Rehman in Chitral. Prior to his death, a doctor's report stated that Rehman was in shock and in critical condition after being beaten.

There were reports of politically motivated killings by political factions or unknown assailants. Examples of these cases include the following:

The European Union (EU) Election Observation Mission reported that more than 100 party supporters were killed during the campaign for the February parliamentary elections, in addition to the December 2007 assassination of former PPP leader, Benazir Bhutto. Fifty more were reportedly killed in clashes between supporters.

During the year, tribal leaders and political leaders, including 11 members of the ANP, PPP, PPP-Sherpao, and Pukhtoonkhwa Milli Awami parties, were killed in FATA and the NWFP. Notable politically motivated killings included a February 9 bomb blast at an ANP rally in Charsadda in NWFP that killed more than 27 individuals; a February 11 suicide attack in North Waziristan that killed two local ANP leaders and six others and injured a candidate for the National Assembly; an attack in Parachinar in FATA that killed 37 individuals gathered outside the offices of a parliamentary candidate two days before the elections; the late August attacks in Swat in NWFP on local ANP leaders and a former district President of the Pukhtoonkhwa Milli Awami party; and a December 28 suicide car attack at a polling station in Bunir district of NWFP during the by-election for a national assembly seat.

During the year, sources in the Muttahida Qaumi Movement (MQM) party, which has the strongest political influence in Karachi, accused Jamaat-e-Islami (JI) activists of killing 19 of its members, including a Karachi University student, in ongoing violence between the two parties over political control of the province. Fourteen of these MQM members died in ethnic violence on November 29 and 30. JI accused MQM of killing 13 JI activists.

On April 9, rioting between MQM lawyers and other lawyers in Karachi left nine dead. Authorities found seven bodies in lawyers' offices, and the mob torched 40 vehicles following attacks on former Minister Sher Afghan Niazi in Lahore the previous day.

By year's end, a trial in the Sindh High Court was in process for those arrested in connection with the deaths of more than 40 political activists from multiple parties during demonstrations planned to coincide with the May 2007 arrival of then suspended Chief Justice Chaudhry to Karachi. Many observers blamed the violence on the MQM party, a member of the ruling coalition that controlled the Sindh provincial government, since there were multiple reports that the Government had ordered police not to deploy to demonstration areas. MQM officials denied responsibility for the violence, claiming 18 of the deaths were MQM members. Authorities later accused MQM of organizing demonstrations to disrupt the trial.

At year's end, the case of a suicide bomber who killed 11 police officers and eight civilians at an Islamabad political rally in July 2007 was under way at an antiterrorism court. Police arrested three persons in September 2007.

Police did not make any arrests in the case of two suicide bombers who killed more than 130 civilians and 11 police officers in Karachi during a procession to welcome former Prime Minister Benazir Bhutto's return in October 2007. On October 17, the district court of Karachi ordered that a case be registered against Pervez Ilahi, former chief minister of Punjab; Ijaz Shah, former director general of the Intelligence Bureau; and Hameed Gul, former director general of Inter-Services Intelligence (ISI).

On July 10, the UN agreed in principle to a government request to initiate an investigation into the December 2007 assassination of former PPP leader Benazir Bhutto, an attack that also killed at least 30 of her supporters and police. Scotland Yard assisted local officials in their investigation in January but did not explore who perpetrated the attack. At year's end, there were no suspects in custody.

By year's end there were no arrests in the case of seven killed in violence at a political rally held by Nawaz Sharif, leader of the Pakistan Muslim League-Nawaz (PML-N), in Karal Chowk the same day as the Bhutto assassination in December 2007.

By year's end the Supreme Court had not ruled on the legality of the July 2007 military assault against armed militants inside Islamabad's Red Mosque (Lal Masjid) that left 106 dead. The Government did not allow the mosque to reopen an affiliated madrassa (privately run Islamic school), but allowed another, Jamia Faridia, to renew operations under government scrutiny.

Attacks on houses of worship, religious gatherings, and religious leaders linked to sectarian, religious extremist, and terrorist groups outside FATA resulted in hundreds of deaths during the year. Examples of these cases include the following:

On April 8, a mob of Muslim workers at a factory in Karachi beat to death Jagdish Kumar, a young Hindu co-worker they accused of making derogatory comments about the Prophet Muhammad. The family, activists, and politicians disputed the blasphemy allegation. Police arrested suspects on charges of "failure to inform the police that blasphemy was under way," according to press reports. At year's end, a case was registered but authorities did not arrest any suspects in the killing.

On May 4, Adeel Masih, a 19-year-old Christian, was killed in Hafizabad, Punjab, after he allegedly proposed to a Muslim girl. Although initially police claimed it was suicide, following an investigation they arrested two Muslim youths suspected of involvement in the case. There were no convictions by year's end, as authorities continued to probe the case.

On June 16, a bombing at a Shia mosque in Dera Ismail Khan, NWFP, killed four worshippers.

On September 7, the local anchor of a religious affairs program on Geo Television, Amir Liaquat Hussain, declared that Islamic teachings necessitated the killing of members of the Ahmadi sect and prompted two religious scholars who were guests on the program to affirm the injunction. Amir, a former minister of religious affairs in the Musharraf government, repeated the statement the next day. Within days, two local Ahmadi leaders were killed in Sindh. Two gunmen killed Dr Abdul Mannan Siddiqui, an Ahmadi doctor and local leader known for his charity work, in a Mirpurkhas hospital on September 8. The gunmen also shot an Ahmadi guard and two patients. A day later, gunmen killed another local Ahmadi leader, Seth Muhammad Yousuf, in the bazaar in Nawab Shah. The Pakistan Medical Association called for official investigations into the case, but as of year's end, the Government continued to stall investigation into the deaths. Local media and human rights organizations condemned the Geo program for inciting sectarian violence.

There were no developments in the April 2006 suicide bombing at a Barelvi Sunni birthday celebration for the Prophet Mohammed. The bombing killed 59 persons and injured more than 100. A suspected member of Laskar-e-Jhangvi reportedly confessed to the crime, and the Karachi police arrested a suspect in July 2007. At year's end, the case was ongoing.

There were no arrests in the September 2006 case of two assailants in the Muslim Bazaar of Sargodha in Punjab who killed Shia leader and former district President Syed Bashir Hussain Bukhtari of the outlawed Shia group, Tehreek-e-Jaferia Pakistan (TJP), according to Taangh Wasaib Tanzeem, a Sargodha-based NGO.

b. Disappearance.—During the year politically motivated disappearances declined, but police and security forces continued to hold prisoners incommunicado and to refuse to disclose their location. The HRCP estimated that by November approximately 1,100 individuals were still missing under official detention, down from 1,600 in 2007. On August 27, the Ministry of Interior acknowledged that many individuals remain missing in Balochistan. Some disappearances were related to terrorism and national security, and human rights organizations reported many Sindh and Baloch nationalists were among the missing. According to Amnesty International (AI), children also disappeared with their relatives.

Then President and Chief of Army Staff Musharraf's decision in November 2007 to abrogate the constitution and fire the Supreme Court effectively prevented continued action on the approximately 600 disappearance cases the court was reviewing as part of then Chief Justice Chaudhry's efforts to have the Government release or regularize the detention status of prisoners that various security agencies held incommunicado.

Osama Waheed allegedly disappeared in Karachi on September 14 according to his brother, who filed a petition with the Sindh High Court. Police denied arresting Waheed, but the division bench of the high court ordered the Karachi police to investigate further. At year's end, Waheed was still missing.

Men in plain clothes picked up Zeeshan Jalil on October 18 in Karachi according to his wife, who filed a petition before the Sindh High Court to determine his whereabouts. Police denied arresting Jalil, but the division bench of the high court ordered Karachi police to investigate further. At year's end, Jalil was still missing.

Waheed Kambarani and Sherdil Khan, who were seized at a restaurant in Khuzdar, Balochistan, in June 2007 and held in an unknown location for a month, remained incarcerated and the details of the charges against them were unavailable. They appeared in a Khuzdar detention center in December 2007.

In August authorities released Abdul Rauf Sasoli and Saeed Barohi following their arrest in February 2006. Both were members of the Baloch nationalist Jamhoori Watan Party, and Sasoli was elected Secretary General of the Aali Bugti Faction of the Jamhoori Watan Party.

On May 1, authorities released Dr. Safdar Sarki, who had disappeared in February 2006 after he was seized by a group of 16 men presumed to be plain clothes security officers. Sarki, a U.S. citizen with dual nationality, first reappeared in court in October 2007 in southern Balochistan. Before releasing him, officials moved Sarki to a prison in Zhob, a remote area of northern Balochistan.

AI reported that since the state of emergency in 2007, there were no developments in the well-publicized cases of Atiq-ur Rehman, a scientist and officer of Pakistan's Atomic Energy Commission who disappeared in 2004, or Syed Nasir Ali Shah, who disappeared in April 2007. AI also reported that an inmate who was later released, Dr. Imran Munir, said he saw Masood Janjua in detention in 2006, after his disappearance in 2005.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment; there were reports, however, that security forces, including intelligence services, tortured and abused individuals in custody. Under provisions of the Anti-Terrorism Act, coerced confessions are admissible in antiterrorism courts. The NGO SHARP reported 1,013 cases of torture by police between January and June, including approximately 500 cases by the Punjab police and nearly 350 cases by the Sindh police. Observers noted that underreporting of torture is prevalent in the NWFP and Balochistan due to local customs. Alleged torture occasionally resulted in death or serious injury.

Human rights organizations reported methods including beating with batons and whips, burning with cigarettes, whipping soles of the feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fetters.

Security force personnel reportedly raped women during interrogations. The Government rarely took action against those responsible. Before the 2006 Women's Protection Act, the Hudood Ordinances allowed Koranic punishments for violations of Shari'a (Islamic law), including amputation and death by stoning. There were no reports that authorities imposed such punishments during the year.

On March 14, according to an Asian Human Rights Commission (AHRC) report, police arrested an unnamed 17-year-old girl in Faisalabad alleging she murdered her fiancé. AHRC alleged she was tortured, held naked in police detention 16 days without appearing in court, twice raped by police investigator Shujat Ali Malhi, and threatened with gang rape. At the end of March, according to the AHRC, authorities also arrested her elder sister without charge or court mandate and tortured her.

On August 6, according to local media, police in Hyderabad executed a warrantless raid on the home of Agha Mahboob Ahmed, who was arrested on suspicion of involvement in a bank robbery. He was taken to and allegedly tortured at the Hyderabad Criminal Investigation Agency center.

In September 2007 an influential member of the local community mediated a resolution in the January 2007 arrest in Sindh of Hazoor Buksh Malik for not possessing a national identity card while he was in a market. During his detention, he alleged that the Station House Officer (SHO), Mohammad Tunio, tortured him by severing his genitalia.

Five police officers arrested in the February 2007 Lahore gang rape of a woman at a vehicle checkpoint remained in prison and the case was ongoing at year's end. After the family pursued the case in the Lahore Police Administration, all five officers were found guilty and arrested under the Women's Protection Bill. The Aurat Foundation, a women's rights NGO, reported that the men remained in custody at year's end.

There were no developments in the case of Mubarak Ali, who was arrested in July 2007 after he submitted a complaint about the behavior of a local police official. While he was in custody, police reportedly beat him with iron rods and clubs, causing loss of eyesight and loss of his left leg. After the case garnered media attention, police investigated and suspended three police personnel. The accused personnel disappeared in August, however, and the family alleged police allowed them to escape.

No official action was taken against officers involved in the June 2006 sexual assault of Shahnaz Fatima and Javeria Alam in Islamabad, or against police officers involved in the alleged beating and torture of Gul Waiz in Adiala Jail in July 2006.

By year's end, no charges had been brought against SHO Sadaat Ali for his alleged involvement in torturing Arif Ali and Irfan Ali in Multan in 2006.

Prison and Detention Center Conditions.—Prison conditions were extremely poor and failed to meet international standards. Overcrowding was widespread, except for cells of wealthy or influential prisoners. According to SHARP, nearly 90,000 prisoners occupied 87 jails originally built to hold a maximum of 36,075 persons.

Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diet with help from family or friends. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries.

Police reportedly tortured and mistreated those in custody and at times engaged in extrajudicial killings. Christian and Ahmadi communities claimed their members were more likely to be abused. Non-Muslim prisoners generally were afforded poorer facilities than Muslim inmates and often suffered violence at the hands of fellow inmates.

On February 1, local media reported Irfan Khan, resident of Rawat near Rawalpindi, died of a serious digestive disorder. He reportedly suffered from stomach and intestinal ulcers, but jail staff refused to give him adequate food and medicine. Jail staff allegedly demanded bribes from his family for bringing him meals.

On February 18, John Masih, a Christian inmate in Adiala prison, died of pneumonia. According to the Global Foundation (GF), he was refused adequate medical care and the jail lacked adequate facilities to treat his condition.

On June 27, Idris Ahmad, an inmate at Sihala jail near Rawalpindi, died of a heart attack. According to GF, jailers ignored his repeated complaints and calls for assistance.

Following a complaint of torture by Mirza Sarfaraaz, a death-row inmate in Adiala prison, the judiciary launched an inquiry into prison conditions and the prisons department in June. The inquiry revealed that prisoners who did not pay bribes were brutalized. Participating judges recommended the inspector general of prisons establish a joint judicial and departmental commission to examine the matter further. By year's end, there were no new developments.

There were reports of prison riots, largely due to the poor living conditions inside prisons. For example, on September 15, inmates rioted after authorities refused to allow death-row inmate Muhammad Yousaf to attend his mother's funeral and beat him in front of other prisoners for making the request. The Sindh prisons inspector suspended both the jail deputy superintendent and assistant superintendent because of the riots.

On October 4, prisoners in Hyderabad central jail rioted over a lack of basic facilities and alleged official corruption. More than 1,000 prisoners broke out of their cells and protested both the solitary confinement of 40 prisoners and basic conditions of confinement. Police injured four inmates in the clashes. Prisoners only ended their siege after they received a written statement from officials ensuring they would not be tortured. The Sindh attorney general promised an investigation of allegations of torture.

In October, rioting also erupted in the Karachi, Multan and Timergara prisons. According to Global Foundation (GF), an NGO working on prison issues, 20 deaths were reported in Rawalpindi's Adiala Prison through August due to lack of basic facilities.

Prison officials kept child offenders in the same facilities as adults but in separate barracks. Police often did not segregate detainees from convicted criminals. Mentally ill prisoners usually lacked adequate care and were not segregated from the general prison population.

In 2005 authorities expanded the number of special women's police stations with all female staff in response to complaints of custodial abuse of women, including rape. The Aurat Foundation reported these stations did not function properly due to lack of resources and lack of appropriate training for policewomen. Court orders and regulations prohibit male police from interacting with female suspects, but male police often detained and interrogated women at regular stations.

Although the law contains provisions for inmate release on probation, scarcity of resources made this option impossible in most cases.

The International Committee of the Red Cross (ICRC) had an agreement with the authorities on independent visits to prisons throughout the country, but this understanding was only partially honored, and ICRC visits were not taking place in the provinces of Punjab and Balochistan at the end of the year. Authorities at the local, provincial, or national level permitted some human rights groups and journalists to monitor prison conditions for juveniles and women inmates, but visits of prison con-

ditions for male inmates, whose conditions were poorest, took place rarely and on an ad hoc basis.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but authorities did not always comply.

Role of the Police and Security Apparatus.—Police have primary internal security responsibilities for most areas of the country. Under the Police Order (Second Amendment) Ordinance of 2006, control of local police falls under the Ministry of Interior. The provincial government has the power to transfer officers from their posts, however, and district nazims write the district police officer annual performance evaluation reports, which guides promotions.

Law and order in the FATA is administered under the FCR through the political agent, who reports to the President through the NWFP governor. In lieu of police, there are multiple law enforcement entities that operate in FATA. These include various tribal forces: the paramilitary Frontier Corps, which reports to the Ministry of Interior in peacetime and the army in times of conflict; the Frontier Constabulary, which patrols the area between the FATA and the NWFP; levies, which operate in some FATA agencies and report to the political agent; khassadars, which help the political agent maintain order; and lashkars, tribal militias convoked by the political agent or others to deal with temporary law and order disturbances.

The Rangers are a paramilitary organization under the authority of the Ministry of Interior.

The armed forces are responsible for external security; at times during the year they were also assigned domestic security responsibilities.

Corruption within the police was rampant. Low salaries and poor working conditions contributed to corruption, particularly for low-level officials.

Police were known to charge fees to register genuine complaints and accepted money for registering false complaints. Bribes to avoid charges were commonplace. Individuals paid police to humiliate their opponents and avenge personal grievances. Critics charge that the appointment of the SHO has become politicized.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of the police committed human rights abuses or were responsive to political interests. Frequent failure to punish abuses created a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police officers, district nazims, provincial interior or chief ministers, federal interior minister, prime minister, or the courts can order internal investigations into abuses and order administrative sanctions. Executive branch and police officials can recommend and the courts can order criminal prosecution, and these mechanisms were sometimes used.

The Punjab provincial government initiated regular training and retraining of police at all levels, both in technical skills and human rights. The Karachi city government reportedly gave facilities to the city's human rights officers for training. During the year, at least three NGOs (Society for the Protection of the Rights of the Child, Sahil, and SHARP) trained police. In the Punjab and NWFP, public safety commissions were established but functioned poorly due to their vague mandate, according to SHARP and the GF, and due to their susceptibility to interference by the provincial executive, according to the International Crisis Group (ICG). Although district public safety committees existed in Punjab, Sindh, and a majority of districts in NWFP and Balochistan, inadequate staffing undermined their effectiveness. ICG also reported these committees were subject to political influence.

By August 2007 the Government had converted 25 of Balochistan's 27 districts from "B areas" controlled by local levy forces who obeyed local tribal chiefs to "A areas" controlled by police. Nearly 3,000 of the 3,560 levy forces in 2006 were converted to police, and nearly 1,500 local youth were inducted into the newly formed police force.

Human Rights Watch (HRW) noted that individuals who did not support Kashmir's accession to the country were subject to abuse or harassment by the intelligence agencies and the military.

Political parties reported that there was less interference from the Musharraf government in the months prior to the February parliamentary elections than occurred prior to the 2005 local government elections. During the campaign, the Government relied primarily on the police and intelligence agencies to harass political opponents, according to the ICG. In some districts, police officers arrested opposition workers on false charges and broke up opposition rallies.

Police often failed to protect members of religious minorities from societal attacks, including Christians, Ahmadis, and Shias.

Arrest and Detention.—A First Information Report (FIR) is the legal basis for any arrest. Police may issue FIRs when complainants offer reasonable proof a crime was committed. A FIR allows police to detain a named suspect for 24 hours, after which only a magistrate can order detention for an additional 14 days, if police show such detention is material to the investigation. In practice, however, authorities did not fully observe these limits on detention. Authorities frequently issued FIRs without supporting evidence to harass or intimidate, or they did not issue them when adequate evidence was provided unless the complainant paid a bribe. Police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Police also detained relatives of wanted criminals to compel suspects to surrender.

Police routinely did not seek magistrate approval for investigative detention and often held detainees without charge until a court challenged them. Some women in detention were sexually abused. When requested, magistrates usually approved investigative detention without reference to its necessity. In cases of insufficient evidence, police and magistrates sometimes colluded through issuing new FIRs to continue detention beyond the 14-day period provided in the law.

Courts appointed attorneys for indigents only in capital cases. Individuals frequently had to pay bribes to see a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and usually could meet with citizens of their countries in prison visits.

The district coordination officer may order preventive detention for as long as 90 days and may extend the detention for an additional 90 days with court approval. Human rights organizations charged that a number of individuals alleged to be affiliated with terrorist organizations were held indefinitely in preventive detention. In corruption cases, the National Accountability Bureau (NAB) may hold suspects indefinitely provided judicial concurrence is granted every 15 days.

The law stipulates detainees must be brought to trial within 30 days of their arrest. Under both the Hudood and standard criminal codes, there are bailable and nonbailable offenses. Bail pending trial is required for bailable offenses and permitted at a court's discretion for nonbailable offenses with sentences of less than 10 years. In practice judges denied bail at the request of police, the community, or on payment of bribes. In many cases trials did not start until six months after the filing of charges, and in some cases individuals remained in pretrial detention for periods longer than the maximum sentence for the crime for which they were charged. Human rights NGOs estimated that approximately 50 percent of the prison population was awaiting trial.

Until the parliamentary elections in February, the Government used preventive detention, mass arrests, and excessive force to quell or prevent demonstrations, political rallies, or civil unrest. There were no reports that the Government elected in February engaged in these practices.

Under the FCR in the FATA, political agents have the legal authority to impose collective punishment, preventively detain individuals as long as three years, and require "bonds" to prevent undesired activity. Human rights organizations expressed concern with the concept of collective responsibility, as authorities used it to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property in the tribal areas and around the country, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

Assistant political agents, overseen by political agents and supported by tribal elders of their choosing, are legally responsible for justice in the FATA. Militant activity and the poor security situation, however, have undermined their ability to hold court. Militants in FATA increasingly imposed their version of Shari'a law in makeshift courts; their punishments included public beheadings, stonings, lashings, and fines. (See Section 1.g.)

In theory the political agents and their representatives are to conduct hearings according to Islamic law and tribal custom. The usual penalties consisted of fines and prison terms of as long as 14 years. The accused have no right to legal representation or bail.

Political workers, and PPP members in particular, claimed to face increased police intimidation in the weeks after Benazir Bhutto was assassinated in December 2007. They alleged that police used the assassination as an excuse to enter homes without a warrant and file cases against hundreds of thousands of activists, following unrest that involved arson and looting.

On March 24, newly elected Prime Minister Gilani released former Supreme Court Chief Justice Chaudhry from house arrest. He was the last individual in custody from among the 6,000 individuals whom Musharraf's government arrested in November 2007 during the state of emergency.

According to the Aurat Foundation, approximately 66 percent of the female prison population was awaiting trial on adultery-related offenses under the Hudood Ordinances. With the enactment in 2006 of the Protection of Women (Criminal Laws Amendment) Act, more commonly known as the Women's Protection Act, women are not supposed to be arrested for rape under the Hudood Ordinance nor required to produce four witnesses to prove a charge of rape, as required under the zina laws (laws regarding extramarital sexual intercourse). The Women's Protection Act does not enable a woman to file a case for marital rape, however. After the passage of the Women's Protection Act, authorities released from prison 300 to 500 women due to the less harsh guidelines in the bill. In July 2007 the President promulgated the Law Reforms Ordinance, allowing women held under the Hudood Ordinance to be eligible for bail.

Special rules apply to cases brought by the NAB or before antiterrorism courts. Suspects in NAB cases may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be deprived of access to counsel. Despite government claims that NAB cases are pursued independently of an individual's political affiliation, opposition politicians were more likely to be prosecuted. The NAB did not prosecute serving members of the military or judiciary.

Accountability courts may not grant bail; the NAB chairman has sole power to decide if and when to release detainees.

Antiterrorism courts do not grant bail if the court has reasonable grounds to believe the accused is guilty. Security forces may, without needing court approval, restrict the activities of terrorism suspects, seize their assets, and detain them for as long as one year without charges.

In October 2007 then President Musharraf promulgated a National Reconciliation Ordinance (NRO) that provided a mechanism for amnesty for public office holders who were charged, but not convicted, in cases filed for political reasons between 1986 and 1999. The ordinance was challenged in court, and by year's end the appeal was pending in the Supreme Court and 23 cases against politicians and bureaucrats had been withdrawn.

In March the remaining five corruption court cases pending against Asif Ali Zardari were dropped in the country, and in August, Swiss court cases against him were also dropped, allegedly at the request of Pakistani authorities.

On May 13, the new government announced that it had imposed a moratorium on the death penalty, although the moratorium was not enforced in practice. HRW reported that the June death row population of more than 7,000 represented one-quarter of the convicts in the country. In March the HRCP noted there was "strong evidence" that the death penalty was applied without regard to due process.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; in practice, however, the judiciary was subject to executive branch influence at all levels. This influence was exacerbated in the wake of the 2007 state of emergency when the judges of the Supreme Court and the provincial high courts were dismissed and only allowed back on the bench if they swore a new oath on a Provisional Constitutional Order instituted during the state of emergency.

In June the newly elected government expanded the Supreme Court bench from 16 to 29 seats. By the end of the year, of the 13 Supreme Court justices that then President and Chief of Army Staff Musharraf dismissed in November 2007, the new government reinstated five under a new oath of office; three retired or resigned; and five remained off the bench, including former Chief Justice Chaudhry. Judges who remained off the bench maintained that swearing a new oath would affirm the legality of Musharraf's dismissal of the Supreme Court and provincial high courts in November 2007. Abdul Hameed Dogar, who assumed the post of Chief Justice in November 2007 after Musharraf dismissed then Chief Justice Chaudhry, retained the leadership position on the Supreme Court at year's end.

Of the 30 deposed high court justices, 17 were reinstated under a fresh oath of office, and two were appointed to the Supreme Court. Three deposed justices retired or resigned by year's end, and eight remained off the bench. During the 2007 state of emergency, the Government called for the creation of an Islamabad High Court, which the Government established in February.

Delays in justice in civil and criminal cases arose due to antiquated procedural rules, weak case management systems, costly litigation to keep a case moving in the system, and weak legal education. These problems undermined the right to effective remedy and the right to a fair and public hearing.

There are several court systems with overlapping and sometimes competing jurisdictions: criminal; civil and personal status; terrorism; commercial; family; military; and Shariat. The Federal Shariat Court, according to Article 203 of the Constitution, can be used to examine and decide whether any law is repugnant to the injunc-

tions of Islam. The passage of the Women's Protection Bill does not negate the possibility of Federal Shariat Court oversight in certain cases. The Federal Shariat Court could be used for any issue involving parts of the Hudood Ordinance not moved to the secular law provisions, including gambling, liquor possession and drinking, and fornication in the false promise of marriage.

In November 2007 then President and Chief of Army Staff Musharraf signed an ordinance amending the Army Act of 1952 so civilians could be tried in special military courts. In practice the ordinance has not been applied. HRW noted that according to the law, court proceedings are to be closed to the public, investigations are to be conducted by military officers, and trials are to be conducted without the standard rules of evidence and procedures for criminal trials. The former government claimed the amendment was designed to apply to terrorists. Many human rights organizations spoke out against the amendment, saying civilians would face unusually severe penalties for crimes ranging from "public mischief" and libel to murder.

An amendment to the 1973 Legal Practitioners and Bar Councils Act during the 2007 state of emergency affected the ability of lawyers to represent clients without political influence. The act curtails the independence of the bar associations by granting the Government new powers to disbar lawyers involved in anti-government activities, according to HRW.

Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the Government's control over the court system. Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both trial and appellate levels.

There were extensive case backlogs in both the lower and superior courts. As of November, the Sindh District and Sessions Courts had a backlog of 120,000 cases; as of September the Peshawar High Court had a backlog of 13,000 cases; and as of October 31, the Supreme Court had a backlog of 16,596 cases.

Feudal landlords in Sindh and Punjab and tribal leaders in Pashtun and Baloch areas continued to hold local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils, particularly prevalent in rural areas, settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or even the death penalty. In Pashtun areas, such councils were held under the outlines of the Pashtun Tribal Code. Under the code, a man, his family, and his tribe are obligated to take revenge for wrongs real or perceived to redeem their honor. Frequently these disputes arose over women and land and often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly over murder cases, could involve giving daughters of the accused in marriage to the bereaved.

Many tribal councils instituted harsh punishments such as the death penalty or watta-satta marriages (exchange of brides between clans or tribes). Over the past few years, there has been a growing number of reports of militants running their own courts in several tribal agencies and in Swat, and dispensing quick justice with little due process or transparency in their deliberations.

The AHRC reported since 2002 more than 4,000 individuals, two-thirds of whom were women, have died by order of jirga courts in the country. Although the superior courts have declared these rulings illegal, AHRC reports that some of those involved in implementing jirgas sit in parliament.

Trial Procedures.—The civil, criminal, and family court systems provide for open trial, presumption of innocence, cross-examination by an attorney, and appeal of sentences. There are no jury trials. Due to the limited number of judges, heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely took years, and defendants had to make frequent court appearances. A case started over when an attorney changes.

The Anti-Terrorism Act allows the Government to use special streamlined courts to try violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. Cases brought before these courts were to be decided within seven working days, but judges were free to extend the period as required. Under normal procedures, the high courts and the Supreme Court heard appeals from these courts. Human rights activists criticized this expedited parallel system, charging it was more vulnerable to political manipulation.

Courts routinely failed to protect the rights of religious minorities. Judges were pressured to take strong action against any perceived offense to Sunni orthodoxy. The judiciary rarely heard discrimination cases dealing with religious minorities.

Laws prohibiting blasphemy continued to be used against Christians, Ahmadis, and members of other religious groups, including Muslims. Lower courts often did

not require adequate evidence in blasphemy cases, which led to some accused and convicted persons spending years in jail before higher courts eventually overturned their convictions or ordered them freed.

Original trial courts usually denied bail in blasphemy cases, claiming that since defendants faced the death penalty, they were likely to flee. Many defendants appealed the denial of bail, but bail was often not granted in advance of the trial. Lower courts frequently delayed decisions, were intimidated, and refused bail for fear of reprisal from extremist elements.

The Federal Shariat Court is the court of first appeal in all Hudood cases that result in a sentence of more than two years. The Supreme Court has ruled, however, that in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the Federal Shariat Court lacks authority to review the provincial high court's decision.

The Shari'a bench of the Supreme Court is the final court of appeal for Federal Shariat Court cases. A 2005 ruling allows the full Supreme Court to bypass the Shari'a bench and assume jurisdiction in such appellate cases in its own right. The Federal Shariat Court may overturn legislation it judges to be inconsistent with Islamic tenets, but such cases are appealed to the Shari'a bench of the Supreme Court and ultimately may be heard by the full Supreme Court.

The separate legal system in the FATA, the FCR, recognizes the doctrine of collective responsibility.

Tribal leaders were responsible for justice in the FATA. They conducted hearings according to Islamic law and tribal custom. The accused have no right to legal representation, bail, or appeal. The usual penalties consisted of fines. Federal civil servants assigned to tribal agencies oversaw proceedings and could impose prison terms of as long as 14 years. Under the FCR, FATA residents may appeal judgments within the civil bureaucracy. Some observers faulted the procedures for not allowing cases to be heard on appeal by the judiciary.

Human rights NGOs also expressed concern with the concept of collective responsibility, as authorities used it to detain members of fugitives' tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive's village pending his surrender or punishment by his own tribe in accordance with local tradition.

Reports of religious extremists and militants forming parallel administrations, including justice administrations, in FATA increased during the year. Public executions were the most visible manifestation of this trend.

The Provincially Administered Tribal Areas (PATA) of NWFP, which include the former princely states of Swat, Dir, and Chitral, fall under the jurisdiction of the Nizam-e-Adl Regulation, 1999, more commonly known as Shari'a Law. Under its provisions, judges, known as qazis, are assisted by religious scholars.

Azad Kashmir has a court system independent of the country's judiciary.

The Northern Areas also have a unique judicial system. ICG noted in a 2007 report that the judicial institutions of the Northern Areas are subservient to the will of the federally appointed chief executive given the special administrative structure of the region. Laws of the country are extended to the Northern Areas at the discretion of the Ministry for Kashmir and Northern Areas (KANA). The Northern Areas Chief Court does not have all the powers of a high court, but a Court of Appeals was established in 2005 following a 1999 Supreme Court ruling.

Political Prisoners and Detainees.—Some political groups claimed their members were marked for arrest based on their political affiliation or beliefs.

According to Baloch nationalist political leaders and human rights organizations, military intelligence and security forces detained 1,000 to 1,500 Baloch political prisoners since the military operation began in the province in 2004. The exact number of prisoners was unavailable because many were held incommunicado. The Government acknowledged that 1,100 of the disappeared were in its custody, and it was widely believed there were hundreds of Sindhi and Baloch nationalist leaders and activists among them (See Section 1.b.).

On February 2, the AHRC reported that a provincial minister in Punjab allegedly ordered the assault, arrest, and detention of six student activists and teachers in Lahore. The activists were organizing a demonstration to celebrate the release of Aitzaz Ahsan, then President of the Supreme Court Bar Association. The police reportedly did not file charges against the minister or his subordinates, and the mayor allegedly defended the minister's actions.

On May 28, in Karachi, security officials in plain clothes rearrested Ghulam Mohammed Baloch, leader of the Baloch Nationalist Front, after he led a demonstration against the country's nuclear tests. According to press reports, police brought a preliminary case against him for the speech he gave in Karachi. He had pre-

viously disappeared in May 2006 and was reportedly tortured while in incommunicado detention. By year's end, authorities released Mohammed.

On February 23, authorities released Munir Mengal, who was detained for 22 months for his attempt to launch a Baloch satellite television station. By year's end, he had fled the country. In December he recounted to Reporters without Borders (RSF) that military intelligence personnel tortured him while he was held and that he was subjected to sleep deprivation.

On May 9, a Sindh antiterrorism court ordered the release of Baloch nationalist leader Sardar Akhtar Mengal. He was arrested in November 2006, days before his scheduled march across Balochistan to protest the August 2006 killing of Nawab Akbar Khan Bugti by military forces. In December 2006 a Karachi antiterrorism court charged Mengal for an alleged April 2006 kidnapping of two military intelligence personnel. The HRCP complained they were banned from attending Mengal's trial after they protested his confinement behind iron bars in the courtroom and his denial of access to his family.

Civil Judicial Procedures and Remedies.—Persons may petition high courts to seek redress for human rights violations, and courts often take such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights in civil courts. Observers reported civil courts seldom if ever issued official judgments in such cases, however, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law requires court-issued search warrants for property but not for persons. Police routinely ignored this requirement and at times stole items during searches. Police were seldom punished for illegal entry. In cases pursued under the Anti-Terrorism Act, security forces were allowed to search and seize property related to the case without a warrant.

The Government maintained several domestic intelligence services that monitored politicians, political activists, suspected terrorists, the media, and suspected foreign intelligence agents. These services included the ISI, the Intelligence Bureau, the police Special Branch, and Military Intelligence. Despite a Supreme Court order, credible reports indicated the authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval. They were also suspected of monitoring mobile phones and electronic correspondence.

In accordance with the Anti-Terrorism Act of 1997, the Government banned the activities of and membership in several religious extremist and terrorist groups. Some of the banned groups changed their names and remained active, including: Jaish e Muhammad (new name: Tehrikul Furqan & Al Rehmat Trust); Tehrik e Ja'afria Pakistan (new name: Tehrik e Islami Pakistan); and Sipah e Sihaba Pakistan (new name: Millat e Islamia Pakistan). Lashkar e Taiba regrouped under the new name Jamaat ud-Dawa but was again banned in December in response to its designation as a Foreign Terrorist Organization under UN Security Council resolution 1267. On August 25, the Government labeled Tehrik-e-Taliban Pakistan (TTP) a terrorist organization and ordered the State Bank to freeze all the organization's accounts. The TTP is a militant umbrella organization formed in December 2007 by Baitullah Mehsud.

Although the Government generally did not interfere with the right to marry, local officials on occasion assisted influential families to prevent marriages the families opposed. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. Upon conversion to Islam, women's marriages performed under the rites of their previous religion were considered dissolved, but the marriages of men who converted remained intact.

In some cases authorities detained relatives to force a family member who was the subject of an arrest warrant to surrender. NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the Frontier Crimes Regulation.

On November 24, police in Sindh detained eight women and four children to force one of their male relatives to surrender, according to the AHRC. A bench of the Sindh High Court adjourned a constitutional petition on the case on December 23.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year, security deteriorated throughout the country, as foreign al-Qaida, Afghan Taliban, TTP, and local extremist groups attacked civilians and security forces. The Government responded by launching multiple military operations using aerial bombardment and ground troops, most notably in Swat in NWFP and Bajaur and

Mohmand agencies in FATA. Independent observers estimated that there were approximately 1,150 civilian deaths due to military actions in NWFP and FATA. There were over 200 terrorist attacks, including more than 65 suicide bombings, which killed an estimated 970 civilians and security personnel.

Due to poor security, intimidation by security forces and militants, and the control that the Government and security forces exercised over access by non-residents to FATA, human rights organizations and journalists found it difficult to report on abuses in military theaters.

Multiple sources reported that imprecise use of ground artillery and aerial bombardment by security forces resulted in extensive civilian casualties and collateral damage, both in FATA and in Swat. Militants imposed fines and carried out public beheadings, public displays of dead bodies, stonings, and lashings.

Approximately 700 persons were killed in Sunni-Shia sectarian violence in Kurram Agency of FATA, mostly between August and the conclusion of a peace accord on October 16, according to press reports. The HRCP noted that the bodies of some of those killed were dismembered and left by the road and that ambulances were targeted in the attack.

A low level insurgency also continued in Balochistan. According to NGOs and media reports, at least 800 militants, approximately 125 civilians, and 91 members of the security forces died as a result of the ongoing insurgency between the beginning of the year and late November. According to the AHRC, more than 100 individuals were killed in July and August alone and more than 20,000 were displaced. The last government-released official figures recorded the total number of deaths at 158 in 2006.

Killings.—On May 29, the HRCP noted that a “large number of non-combatants have been targeted and killed by the security forces and so far, no inquiry or investigation has been carried out.”

On September 23, the security forces fired on a crowd of civilians in Swat who had gathered to protest the killing of a woman and two children at the hands of the security forces earlier in the day. At least five civilians were killed.

Militants staged suicide attacks during the year in the FATA, NWFP, and the rest of the country. The highest profile attacks included the March 4 suicide bombing that killed 43 antimilitant tribal elders at a peace jirga in Darra Adam Khel in FATA; the August 21 bombing of an ordnance factory in Wah Cantonment in Punjab that left 60 dead; the September 20 bombing of the Marriott Hotel in Islamabad that killed 53; an October 2 suicide attack in Charsadda on ANP President Asfandiyar Wali Khan that killed four individuals but left Khan unharmed; and an October 10 suicide attack on Ajingini in the tribal agency of Orakzai that killed more than 100.

Other attacks included a December 5 bomb blast in Peshawar that killed at least 22 individuals and wounded more than 90; the July 7 bombing in Islamabad that killed 18 policemen on the first anniversary of the Lal Masjid operation; the March 4 bombing at the Lahore naval academy, which killed eight; and the bombing of a train in Bahawalpur, southern Punjab, which killed six.

The security situation in the FATA and parts of NWFP deteriorated significantly. During the year, the TTP and their courts beheaded civilians and security officials. On April 28 a policeman was beheaded in South Waziristan for allegedly spying for security forces; on August 14 a government official was beheaded in Miranshah; on August 20 two alleged prostitutes taken from Peshawar were killed; and on September 8 two other alleged prostitutes were killed and their bodies were dumped near Peshawar.

Sectarian killings related to the conflict were most severe in Kurram Agency in FATA. The most prominent attacks included the June 19 beheading and mutilation of 11 truck drivers abducted while attempting to deliver relief supplies to Parachinar, which is majority Shia, and the August 19 TTP attack near the emergency ward of a hospital in Dera Ismail Khan in NWFP, killing 32 who were mourning the recent killing of a local Shia leader.

At year's end, the case of the September 2007 assassination of Maulana Hassan Jan, a prominent and well-respected Deobandi religious scholar who had declared suicide attacks “un-Islamic,” remained open. Police arrested 13 suspects in September 2007, but there were no further developments in the case.

At year's end, three members of Lashkar-e-Jhangvi, a banned Sunni-Deobandi militant organization, were on trial for a 2006 suicide bombing attack on a Shia congregation marking the Ashura festival in Hangu. The bombing killed 29 individuals and injured more than 50.

The security situation in Balochistan remained unstable. Landmines in Balochistan killed civilians, including children, in Dera Bugti, Kohlu, Noshki, and Sui, among other areas of the province.

On March 30, security forces reportedly attacked Langu and Sagari with helicopter gunships and heavy artillery. Four women and 12 children died during the operation, according to press reports.

On April 5, military officers allegedly arrested four people in Dera Bugti district, according to the AHRC, which claimed the officers put four people in hot coal tar after failing to get a confession from the victims. Three reportedly died instantly and the fourth, Jaffer Khosa, died in custody seven days later.

On June 14, unidentified gunmen opened fire on a van in Quetta, killing seven soldiers, one police constable, and one passer-by. The gunmen also shot two policemen on a motorcycle. One later died, and the other was seriously injured. In September police arrested three persons in connection with the killing, including two alleged members of the Balochistan Liberation Army.

On August 25, in Turbat, Balochistan, Frontier Corps personnel allegedly killed a civilian, Altaf Buledi, when they fired on an unarmed crowd gathered to demonstrate on the second anniversary of the death of Nawab Akbar Bugti, according to Baloch Web sites. Among the injured were four journalists, two from shooting and two from tear gas burns.

At year's end there were no developments in the case of the December 2007 killing of Mir Balach Marri, the son of Baloch leader Nawab Khair Bux Marri. It was unknown whether he was killed in the country or in Afghanistan.

During the year, authorities did not conduct an official investigation into the 2006 death of Baloch nationalist leader Nawab Bugti, who was killed along with 35 followers and five military personnel. Media reported Bugti and his followers died in an air force bombing raid.

Abductions.—Criminal groups, some with ties to militant groups, expanded extortion and kidnapping activities throughout the country. Diplomats, foreign nationals, religious minorities, and NGO workers were among those targeted.

The most prominent attacks included the November 13 abduction in Peshawar of Hashmatullah Attaarzadeh, the Iranian commercial attache (not released at year's end); the November 11 kidnapping of Khadija Abdul Qahaar, a Canadian freelance journalist and Web site publisher, in Bannu district, NWFP (not released at year's end); the September 22 abduction in Peshawar of Abdul Khaliq Farahi, the Afghan ambassador designate to Pakistan (not released at year's end); the August 29 kidnapping of two Chinese engineers from Lower Dir in NWFP along with their guard and driver, for which TTP claimed responsibility (the guard and driver were released on September 15, one engineer escaped on October 17, and the other remained in captivity at year's end); the August 1 abduction of five Christians in South Waziristan (still missing at year's end); the June 21 abduction of 17 Christians in Peshawar by Lashkar-e-Islam (released on June 22); the February 11 abduction in Khyber Agency of Tariq Azizuddin, Pakistani ambassador to Afghanistan (released on May 16); and the January 4 abduction of five Christians in South Waziristan (released three days later).

On June 14, Jundallah, an Islamic militant group, claimed responsibility for the abduction of 16 Iranian guards at the border in southern Balochistan. Media reports indicated that the hostages were held in the country.

Other Conflict-Related Abuses.—After a bombing campaign began in Bajaur Agency in August, the Government dropped leaflets urging the civilian population to flee the area. Civilians expressed dismay that the leaflets were dropped only after several days of aerial bombardment. Militants subsequently attempted to prevent civilians from leaving the area so they could be available as human shields, according to press reports.

Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and food and water distribution networks. In some areas, including Swat, security forces imposed curfews. Militants destroyed more than 150 girls' schools, particularly in Swat, and forced the closure of more than 200 barber shops and stores selling western CDs and videos in FATA and NWFP.

In response to a suicide bombing and ongoing Sunni-Shia violence in Dera Ismail Khan, the NWFP government on August 20 cancelled permission to hold political gatherings and religious ceremonies. These restrictions remained in place at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and citizens generally were free to discuss public issues. The Government often impeded criticism, however, by monitoring political activity and controlling the media. A government ordinance to restrict the freedom of television and radio imposed during the 2007 state of emergency remained in effect, but the new government did not enforce it. Journalists and their families were arrested, beaten, and intimidated, leading many to practice self-censorship.

There were numerous independent English and Urdu daily and weekly newspapers and magazines. The Ministry of Information controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The few small privately owned wire services practiced self-censorship. The military had its own press wing, Inter Services Public Relations, as well as two sections to monitor the press. There were no newspapers published in the FATA. Owners of newspapers and periodicals had to receive permission from the Kashmir Council and Ministry of Kashmir Affairs to publish within Azad Kashmir. According to many observers, these bodies were unlikely to grant permission to publications sympathetic to an independent Kashmiri cause.

Foreign magazines and newspapers were available, and many maintained in-country correspondents who operated freely, although some had difficulty receiving visas allowing them to work as journalists.

The Government directly owned and controlled Pakistan Television and Pakistan Broadcasting Corporation, which ran radio stations throughout the country. Both reflected government views in news coverage.

The PPP government did not enforce restrictive amendments to the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance that the previous government promulgated. Offenses under the amended PEMRA ordinance include covering terrorists; propagating opinions that run counter to the ideology of the state; criticizing the head of state, members of the armed forces, or other key branches of government; and live coverage of violence or conflict.

Changes made by the former government that increased executive control over the print media remained in effect.

Private cable and satellite channels broadcast domestic news coverage and were critical of the Government, despite some self-censorship. Independent television stations shut down during the 2007 state of emergency were allowed back on the air after signing a "voluntary" code of conduct limiting what they could discuss on air. Geo TV initially refused to sign the code of conduct, and the Government responded by blocking cable distribution of the channel until January 20.

PEMRA authorities banned private television channels from airing live coverage of the February 18 elections and broadcasting unconfirmed poll results, except those provided by the presiding officers. The media aired real-time results despite the ban.

In June PEMRA authorities reportedly restricted a popular program of Aaj-TV News in many parts of Sindh and Punjab when the program addressed the Government's policy on the Kalabagh Dam.

Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction through talk shows, although they were careful to avoid most domestic political discussions. International radio broadcasts, including the BBC and the Voice of America, were available.

The PEMRA ordinance did not extend to FATA or the PATA of NWFP. Independent radio stations were not allowed to broadcast in FATA, although militants and religious figures operated approximately 100 illegal stations.

As of December 23, there were 40 attacks against the media and journalists as of December 23, according to the NGO Intermedia. At least 13 journalists were killed and 40 abducted or arrested (only one arrest was reported after the PPP-led coalition took over the Government). There were 118 cases of intimidation, and four attacks on media property. Approximately 89 journalists and media organizations had ongoing cases in court.

During the year media outlets, journalists, and journalists' families were the targets of attacks and intimidation by security forces, political parties, militants, and unidentified groups. Journalists were also abducted. Newspapers frequently criticized the Government, political leaders, and military operations. Media outlets that did not self-censor were at times the targets of retribution.

On February 6, four policemen in Sialkot stopped and searched journalist Auon Sahi. During the interaction, police physically assaulted him; he filed an official complaint. District Police Officer Amin Wains reportedly suspended the four constables involved and ordered a departmental inquiry.

On February 9, unknown gunmen killed Dr. Abdus Samad, also known by his pen name, Dr. Chishti Mujahid, a columnist for Akbar-e-Jehan in Quetta, Balochistan. The Baloch Liberation Army later claimed responsibility and claimed the killing came in retaliation for Dr. Samad's sabotage of the Baloch independence movement.

On May 9, the Supreme Court in a suo moto action ordered Geo TV and Jang, the Urdu-language affiliated newspaper, to cease reporting on the restoration of the judiciary and ongoing court proceedings, according to the Committee to Protect Journalists (CPJ). The Supreme Court later withdrew the notice and asked the media to confirm their stories with the courts before making them public.

On May 22, Muhammad Ibrahim Khan, a reporter for privately owned Express TV and the Urdu newspaper Express, was killed as he returned from an interview in Bajaur with militant leader Maulvi Omar. Witnesses said the assailants took Khan's mobile phone, video footage of the interview, camera, and notes before shooting him.

On September 7, the local anchor of a religious affairs program on Geo TV, Amir Liaquat Hussain, declared that Islamic teachings necessitated the killing of members of the Ahmadi sect. Within days, two local Ahmadi leaders were killed in Sindh (See Section 1.a.).

On November 8, security forces in Swat shot and killed Qari Muhammad Shoaib, a reporter for local newspaper Khabar Kar. A passenger in the vehicle Shoaib was driving said the security personnel shot without warning; the military claimed they fired warning shots.

On November 14, two journalists, one of whom was a Japanese national, were shot multiple times in Peshawar after returning from an interview with a Taliban commander in nearby Khyber Agency. Sami Yousafzai, an international correspondent, and Yatsukura Motoki, the Islamabad bureau chief for Asahi Shimbun, both survived the attack. At year's end, the police had not arrested any suspects.

By year's end, no arrests were made in the January 2007 killing of Makhdoom Hashmi, editor of Sindhi-language newspaper Daily Nijat. Hashmi was critical of many local feudal landlords and opposed their political practices. Before his death he claimed that he received threats and that provincial authorities had denied his requests for protection.

The political agent of Khyber Agency in the FATA detained 44 tribesmen in the agency under the collective punishment provision of the FCR for the January 2007 kidnapping of Sohail Qalandar, a Peshawar-based journalist with Daily Express, and his companion. The two were released after 50 days in captivity and told human rights observers they had been mistreated, malnourished, and drugged. The political agent subsequently released the tribesmen.

There were no developments in the case of Lal Malhi, a journalist who produced a documentary on disappearances in Balochistan and was threatened in March 2007 by security services. After local community members protested, police promised to charge the security officer but did not take action against the security officials.

In April 2007 militants in South Waziristan killed four family members of Din Muhammad, a reporter for the Urdu-language newspaper Inkishaf, and kidnapped three others, according to RSF. During the year, Muhammad continued to be intimidated, and the Government provided limited security and nominal financial compensation. Muhammad did not fully resume his work as a journalist.

By year's end authorities had not made any arrests in the May 2007 case in which two unidentified men assaulted and beat the editor in chief of the South Asia News Agency, Shakeel Ahmed Turabi, due to his coverage of the Supreme Court chief justice crisis in Islamabad.

No one was arrested during the year for the attack on the Aaj TV station and property in Karachi as the station broadcast violent demonstrations live in May 2007. The President of the Karachi Union of Journalists blamed the MQM, but MQM officials denied it.

There were no new developments in the case of Daily Mashriq correspondent Nasarullah Afridi, whose home local militants targeted with hand grenades in May 2007 for his reporting on militant activities in Khyber Agency. Local authorities intervened in the case on his behalf and negotiated a settlement.

By year's end, no arrests were made in the September 2007 case in which an unidentified man beat Turabi's 14-year-old son, Hassan Sharjil, in Islamabad. According to the CPJ, the man told Hassan, "We warned your father to stop writing lies, but he wouldn't listen. This will teach him a lesson."

Despite a Peshawar High Court Justice's call for a further probe, there were no developments in the investigation of the death of Hayatullah Khan, who was killed in June 2006 after his abduction in December 2005, or in the death of his widow, who was killed by a bomb in her home in November 2007.

Police did not identify a suspect in their investigation of the September 2006 murder of journalist Maqbool Hussain Siyal in Dera Ismail Khan. Siyal worked for the Pakistani Online News Network and was on his way to interview a leader of the PPP.

The Anti-Terrorism Act prohibits the possession or distribution of material designed to foment sectarian hatred or material obtained from banned organizations. According to Intermedia, there were seven cases of crackdowns on radical publications during the year: three in Punjab, and two each in NWFP and Sindh.

Foreign books must pass government censors before being reprinted, but in practice there were no reports of book bans during the year. Books and magazines may be imported freely but are subject to censorship for objectionable sexual or religious content.

Obscene literature, a category the Government defines broadly, was subject to seizure. Television and radio stations broadcast dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality.

Internet Freedom.—Although there were no reports that the Government limited public access to the Internet, it attempted to control some extremist and Baloch Web sites based in the country. The International Telecommunication Union claimed there were more than 17.5 million Internet users in the country as of March, and service existed in nearly all of the country's urban and semi-urban areas.

Local sources reported that authorities continued to ban two Web sites that advocated independence for Balochistan: Balochvoice and Walochwarna.

On February 24, the Pakistan Telecommunication Authority (PTA) ordered Internet service providers to block the Web site YouTube, allegedly because of blasphemous content. This disabled the site around the world for a few hours, although the PTA claimed the problem abroad was due to a malfunction outside the country. Authorities lifted the block within the country on February 26.

On November 6, President Zardari issued the Prevention of Electronic Crimes Ordinance, stipulating that cyber terrorism resulting in a death would be punishable by the death penalty or life imprisonment.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom, but the atmosphere of violence and intolerance fostered by student organizations, typically tied to political parties, continued to limit academic freedom. On some university campuses in Karachi, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the MQM) and the Islami Jamiat Talaba (affiliated with the JI), clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrines, and dress.

These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, influenced admissions to the universities, and sometimes influenced the use of institutional funds. Such influence generally was achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. In response, university authorities banned political activity on many campuses, but with limited effect.

On March 31, the Rangers assaulted Dr. Riaz Ahmed, Professor of Applied Chemistry at Karachi University, while they were posted at the institution following a clash between student groups. According to the HRCP, the Rangers blocked his departure from the campus and hit him with batons, leaving him with severe injuries. Authorities did not take action against the Rangers.

On April 22, the Baloch Liberation Army killed University of Balochistan Pro-Vice Chancellor Dr. Safdar Kayani, accusing him of being "Punjabi." The university and the Bolan Medical College closed for a day to mourn his death. The atmosphere on campus remained uneasy during the year, but campus violence did not hinder academic activities. Seven student organizations at the university created a code of conduct for students to check political interference in the educational institutions of the province.

The Ministry of Culture operated the Central Film Censor Board, which previewed all foreign and domestic films before exhibit in the country. In practice, however, no movie was banned during the year.

There was no government interference on art exhibitions or other musical or cultural activities.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and freedom of association, subject to restrictions imposed by law.

Freedom of Assembly.—Although the constitution provides for this right, in practice the Government placed selective restrictions on the right to assemble. By law, district authorities can prevent gatherings of more than four people without police authorization. Separately, Ahmadis have been prohibited from holding conferences or gatherings since 1984.

Unlike in 2006, there were no reports the Government permitted banned religious extremist organizations to hold rallies during the year.

Police often used preventive detention and excessive force against demonstrators, members of civil society, political activists, and journalists.

On January 13, police used excessive force against peaceful civil society activists who were protesting the house arrest of retired Justice Rana Bhagwandas outside his residence in Karachi. According to the HRCP, male policemen behaved inappropriately with female demonstrators, charged male protestors with batons, and arrested eight activists.

On February 21, police used excessive force against a peaceful demonstration of lawyers outside the city court in Karachi, where they demanded the restoration of disposed judges, independence of the judiciary, and rule of law. According to the HRCP, the police and others in plain clothes fired tear gas on the lawyers, charged them with batons, and arrested nine, injuring five. There were no reports of an investigation.

On July 15, the Rangers disrupted a peaceful demonstration of Pakistan Telecommunication Company Limited (PTCL) workers outside their headquarters in Islamabad after PTCL workers locked their facilities around the country. The Rangers beat, tear-gassed, and charged demonstrators with batons. There were no reports of serious injuries.

Freedom of Association.—The constitution provides for the right of association subject to restrictions by law. NGOs are required to register with the Government. According to Freedom House, fewer than half of the approximately 100,000 NGOs in the country were registered. No prominent NGO reported problems with the Government due to registrations during the year. Some continued to operate without registering and were not prosecuted.

The NGO community protested a voluntary code of conduct promulgated in early 2007 by the Ministry of Social Welfare and Special Education, according to Freedom House. The code gives the Government powers to regulate NGO activity, change the groups' staff or management, and freeze the assets of organizations that do not comply. In practice, the code has not been enforced and has not impeded the work of NGOs.

Security was a problem for NGO workers due to the instability in FATA and NWFP and threats to organizations that promoted women's rights. Seven NGO workers had been killed by year's end, seven had been kidnapped but were later released, and scores more were threatened.

On February 25, gunmen killed four in an attack on the Mansehra, NWFP, office of Plan International, an NGO based in the United Kingdom. Authorities arrested three suspects, including a chief of a militant organization. They were brought before a court in March and kept under "protective custody."

In late April a female NGO worker in Swat was murdered and her corpse was desecrated.

c. Freedom of Religion.—The constitution states that adequate provisions shall be made for minorities to profess and practice their religions freely, but the Government limited freedom of religion in practice. Islam is the state religion, and the constitution requires that laws be consistent with Islam. According to the constitution, Shari'a can be applied to a situation deemed to be in contradiction to the Koran, and therefore citizens who are normally governed by secular law can be subject to Shari'a. Shari'a also was applied in some tribal areas. In the PATA of NWFP, religious advisors assisted judges. All citizens were subject to certain provisions of Shari'a and the blasphemy laws. Freedom of speech is constitutionally subject to "any reasonable restrictions imposed by law in the interest of the glory of Islam."

Reprisals and threats of reprisals against suspected converts from Islam occurred. Members of religious minorities were subject to violence and harassment, and at times police refused to prevent such actions or charge persons who committed them, leading to an atmosphere of impunity. The constitution stipulates the President and the prime minister must be Muslim. The prime minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims), must take an oath to "strive to preserve the Islamic ideology," the basis for the creation of the country.

Religious groups must be approved and registered; there were no reports the Government refused to register any group.

The law declares the Ahmadi community, which considers itself a Muslim sect, to be a non-Muslim minority. The law prohibits Ahmadis, who numbered more than two million, from engaging in any Muslim practices, including use of Muslim greetings, referring to their places of worship as mosques, reciting Islamic prayers, using specific Islamic terms, and participating in the Hajj or Ramadan fast. Ahmadis were prohibited from proselytizing, holding gatherings, or distributing literature. Government forms, including passport applications and voter registration documents, require anyone wishing to be listed as a Muslim to denounce the founder of the Ahmadi faith. The Ahmadi community claimed that during the year, 31 Ahmadis faced criminal charges under religious laws or because of their faith. As of November, there had been four targeted killings of Ahmadis during the year, according to the AHRC.

The penal code calls for the death sentence or life imprisonment for anyone who blasphemes the Prophet Muhammad. The law provides for life imprisonment for desecrating the Koran and as long as 10 years in prison for insulting another's religious beliefs with the intent to offend religious feelings. The latter was used only against those who allegedly insulted the Prophet Muhammad. Groups such as the Khateme Nabuwat Movement, which considered anyone who questioned the finality of Prophet Muhammad to be a heretic, were reported to insult Ahmadi beliefs, but authorities did not prosecute these cases.

On June 8, police charged all the residents of Rabwah in Punjab under anti-Ahmadi laws and arrested Muhammad Yunus. The basis for the police charges against the thousands of Rabwah residents, according to the FIR, included lighting fireworks and lamps and greeting each other, which the Government considered to be preaching their faith, a crime by law. The case was pending at year's end.

In August communities near Multan warned Ahmadis in the area to close their places of worship. When they refused, the communities lodged a complaint with local police, alleging the Ahmadis were attempting to proselytize. Police ordered the "temporary closure" of Ahmadi centers in the area. They remained closed at year's end.

On September 10, the Multan bench of the Lahore High Court ruled that one of the men who allegedly abducted two Christian girls and subsequently married one of them be granted custody of her. According to Christian Solidarity Worldwide (CSW), on June 26 in Muzaffargarh district, Punjab, three men kidnapped 13-year-old Saba Masihto and Anila, her nine-year-old sister. CSW reported the men admitted to forcing the girls to convert to Islam before compelling Saba to marry one of them. The court granted the parents custody of Anila.

On October 9, Gulsher Masih and his daughter, Sandal Gulsher, were arrested after the father was accused of desecrating the Koran. Both remained in detention at year's end.

During the year, there were no developments in the January 2007 case in which an Intelligence Bureau district officer ordered the arrest of five Ahmadis, including two minors ages eight and 11, after a teacher discovered the minors carrying an Ahmadi children's magazine, Tashhizul Azhan. The case received wide press coverage, following which the charges were dropped. The case was re-filed in February 2007 against two adults.

There were no developments in the trial of the March 2007 case of a retired assistant sub-inspector who shot and killed a recent Ahmadi convert in a restaurant in Seerah, near Mandi Bahauddin in Punjab. The retired officer, Riaz Gondal, later surrendered to police and admitted to the killing, claiming the act was justified under Islamic apostasy laws. At year's end, he was incarcerated and the case was pending.

There were no developments in the case of Martha Bibi, a Christian who was arrested for blasphemy in January 2007 and released on bail in May 2007. She was accused of making derogatory remarks against the Koran, but she claimed the charges originated from Muslim contractors who did not want to pay for materials her husband had sold them.

There were no developments in the September 2006 blasphemy case of Shahid Masih, who was arrested for the theft and burning of a Koran in Faisalabad and granted bail in January 2007.

Complaints under the blasphemy laws were used in business or personal disputes to harass religious minorities or other Muslims, but most complaints were filed against the majority Sunni Muslim community. Many blasphemy complaints were lodged by Sunnis against fellow Sunnis. The appellate courts dismissed most blasphemy cases; the accused, however, often remained in jail for years awaiting the court's decision. Trial courts were reluctant to release on bail or acquit blasphemy defendants for fear of violence from extremist religious groups. In 2005 the President signed a bill into law revising the complaint process and requiring senior police

officials to review such cases in an effort to eliminate spurious charges. According to human rights and religious freedom groups, however, this process was not effective because senior police officers did not have the resources to review the cases. In 2007 courts convicted two individuals and acquitted two others under the blasphemy laws; 71 cases were ongoing at the end of the year.

On November 4, the court acquitted Christian doctor Robin Sardar of blasphemy charges. Sardar was arrested in May, and after his release Sardar went into hiding fearing for his life and remained in hiding at year's end, according to the Commission for Peace and Human Development.

There were no legal restrictions on Christian or Hindu places of worship. District nazims had to authorize the construction after they assessed whether a new church or temple was required. Religious minority groups experienced bureaucratic delays and requests for bribes when attempting to build houses of worship or obtain land.

Islamiyyat (Islamic studies) was compulsory for all Muslim students in state-run schools. Students of other faiths were exempt from such classes; in practice, however, teachers forced many non-Muslim students to complete Islamic studies.

Societal Abuses and Discrimination.—Sectarian violence between Sunni and Shia extremists continued during the year. Shias, Christians, and Ahmadis were also the targets of religious violence across the country.

According to the National Commission for Justice and Peace (NCJP), one church, one Hindu temple, and five Ahmadi mosques were attacked and damaged in different parts of the country during the year; four of the seven attacks took place in the province of Punjab.

In the same period, the NCJP reported 53 Ahmadis and 93 Christians faced trials or were in prison on charges of desecrating the Koran.

Human rights lawyer and chairman of the NGO Legal Aid for Destitute and Settlement Parvez Aslam Chaudhry was forced to travel with police security during the year, following an attack on him in January 2006 for his work defending blasphemy cases. Although Punjabi authorities filed a case against an unknown assailant in 2007, no arrests were made during the year.

The NCJP noted that abductions and forced conversions of girls were on the rise. They reported in July that since 2006, nearly 51 Hindu and 27 Christian girls had been abducted and forced to convert to Islam.

The Hindu community continued to face harassment and demands for bribes from security forces. The All Sindh Hindu Panchayat and the Pakistan Hindu Panchayat reported that more than 20 Hindu girls were allegedly taken and forced to convert to Islam during the year. Some of the girls allegedly feigned conversion to gain their release, and officials recovered others; seven of the girls remained missing at year's end. Authorities argued that the law prohibits the girls' return to non-Muslim families following their conversion to Islam. Although the families alleged the affidavits and conversions were fraudulent, the authorities did not return the released girls to their families.

On February 26, Archbishop Lawrence Saldanha, President of the Catholic Bishops' Conference of Lahore, said nearly 500 Christian families had received or faced threats and that their lives and faith were challenged by extremist groups in 2007. He claimed the incidence of kidnapped Christian girls was rising.

There were no arrests in the November 2006 attack on a Jamaat-Khaana (place of worship) in the Ismaili community in Chitral.

Ahmadi leaders charged that militant Sunni mullahs and their followers sometimes staged marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. The Ahmadis claimed that police generally were present during these marches.

Ahmadi, Christian, Hindu, and Shia Muslim communities reported significant discrimination in employment and access to education, including at government institutions.

Shia, Christian, Hindu, and Ahmadi communities faced discrimination and societal violence. The Government removed religiously sensitive material from new textbooks on religious differences and on how to worship. Other religions can opt out of these readings and read the more generic "Book of Ethics."

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; the Government, however, limited these rights in practice. The Government required foreigners to have special permits to

enter certain restricted areas, including FATA, Balochistan, and parts of NWFP, due to security concerns. Foreigners are required to obtain a No Objection Certificate (NOC) issued by the Government to enter Azad Kashmir.

The law prohibits travel to Israel, although the law was not enforced in practice. Government employees and students must obtain NOCs before traveling abroad, although this requirement rarely was enforced against students.

Persons on the publicly available Exit Control List (ECL) were prohibited from foreign travel. At year's end, there were approximately 636 names on the Exit Control List (ECL). According to human rights lawyers, the number of persons on the ECL dropped sharply after the Lahore High Court took notice of the list in May. While the ECL was intended to prevent those with pending criminal cases from traveling abroad, no judicial action was required for the Ministry of Interior to add a name to the ECL, and it was sometimes used to harass human rights activists or leaders of opposition and nationalist parties. Those on the list had the right to appeal to the courts for removal of their names. On August 28, Rehman Malik, the Advisor on Interior Affairs, announced that the Government removed Baloch political leaders from the ECL.

The law prohibits forced exile and no case of forced exile was reported during the year.

Internally Displaced Persons (IDPs).—During the year, the number of IDPs fluctuated due to military action and sectarian violence in the NWFP and the FATA and floods in NWFP and Punjab. The UN High Commission for Refugees (UNHCR) estimated that military operations in Bajaur alone generated approximately 190,000 IDPs and an estimated 90,000 in Swat by September. At year's end, approximately 200,000 IDPs remained displaced from FATA and NWFP. Many IDPs from Swat and Bajaur were taken in by friends and relatives, which complicated the counting efforts. Flooding in Punjab and NWFP and an earthquake in Balochistan displaced an additional 300,000 persons.

In the districts surrounding Bajaur, the Government, supported by UNHCR and other organizations, provided temporary food and shelter for the IDPs in 11 camps and worked with international organizations and NGOs to supplement government-provided assistance. IDPs complained of the poor hygiene in the camps.

Media reports from 2003 estimated that 1.5 million Kashmiris displaced from Indian-held Kashmir entered the country. The law entitles Kashmiris to the same rights as full citizens.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but in practice, the Government in most cases provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The country is a member of UNHCR's governing Executive Committee and cooperated with UNHCR in protecting, assisting, and repatriating Afghan refugees.

Since 1979 the Government has provided temporary protection to millions of refugees from neighboring Afghanistan. According to the government-run National Database and Registration Authority, approximately 2.15 million registered Afghan refugees remained in the country at year's end, and 3.4 million had been repatriated since 2002. The Government continued to work closely with the UNHCR to provide support to this population. During the year, approximately 272,000 refugees took advantage of UNHCR assistance to repatriate.

According to UNHCR, there are more than 80 Afghan refugee camps in the country, including 71 in NWFP, 12 in Balochistan, and one in Punjab.

In addition to internal displacement that resulted from the military operation in Bajaur starting in August, more than 20,000 residents fled into neighboring Kunar province in Afghanistan.

In October the Government ordered illegal Afghan refugees resident in Bajaur to return to Afghanistan and began deporting refugees who did not return voluntarily and arresting those who returned to Pakistan. Beginning in October, Pakistani security forces reported that hundreds of militants were crossing periodically from Afghanistan into the country to attack.

Police in some cases demanded bribes from Afghan refugees. There were credible reports that members of the intelligence services harassed refugees. Some female refugees who accepted jobs with NGOs reported harassment from Taliban sympathizers in their own community. Refugees faced societal discrimination and abuse from local communities, which resented economic competition and blamed refugees for high crime rates.

Although refugees did not have access to courts, the Government provided access to basic health and education services, especially for Afghan refugees. UNHCR rec-

ognized 478 non-Afghan refugees in the country. Every refugee who registered with both the UNHCR and the government-run Commissionerate for Afghan Refugees was granted admission to public education facilities after filing the proper paperwork. Single women, female-led households, and children working on the streets were particularly vulnerable to abuse, including trafficking.

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

The law provides the majority of its citizens with the right to change their government, and the country held national and provincial elections during the year that brought opposition parties to power. The Federally Administered Northern Areas, FATA, and Azad Kashmir were subject to unique systems. The President retained the power to dissolve parliament, a power Musharraf arrogated to the presidency and codified in constitutional article 58(2)b.

The residents of the Federally Administered Northern Areas, which include Gilgit and Baltistan, did not have representation in the national parliament. An appointed civil servant administered these areas, and an elected Northern Areas Legislative Council served in an advisory capacity without legislative power. The Government administers the Northern Areas under the Legal Framework Order of 1994. According to the ICG, this administrative instrument is used to strengthen federal control over the region while denying its residents basic political and civil rights.

Residents of the FATA are overrepresented in national parliament but do not have a voice in federal decision-making over the tribal areas, an authority that belongs to the President. Tribal residents did not have the right to change their local government, as unelected civil bureaucrats nominally run the tribal agencies. The Elected Councils in FATA, set up in 2007 to provide local representation within the tribal areas, have not been given an active role in governing the tribal areas. The Political Parties Act does not apply to the FATA, and no political party can legally campaign or operate an office there. Some political parties asserted that this rule was void, since religious-based parties such as Jamiat Ulema-e-Islam (JUI) and Jamaat-e-Islami (JI) openly campaigned in the FATA despite the law.

Azad Kashmir is subject to its own constitution, which allows for a legislative assembly and a prime minister but prohibits parties and candidates from contesting elections if they do not support Kashmir's accession to the country, according to a 2006 HRW report. Despite nominal representation for Azad Kashmir, the Federal Government in fact controls significant decision-making in the area, according to HRW's report. Under the Kashmiri constitution, authority over 52 critical policy areas is ceded to the Azad Kashmir Council in Islamabad, whose composition favors the Federal Government numerically. The Federal Government also can dismiss arbitrarily the elected Kashmiri legislative assembly.

Elections and Political Participation.—On February 18, the country held national parliamentary elections that brought former opposition parties into a coalition government led by the PPP under the leadership of Prime Minister Yousuf Gilani. The elections were postponed multiple times, the last of which was due to the assassination of PPP leader Benazir Bhutto in December 2007. In the September 6 indirect Presidential election, Asif Ali Zardari, widower of Bhutto, became President succeeding Pervez Musharraf, who had resigned on August 18. The PPP and its coalition partners took control of the executive and legislative branches of the national government and three of the four provincial assemblies. PML-N took control of the Punjab provincial assembly. PML-N, originally the PPP's largest partner in the national government, withdrew from the coalition on August 25 ostensibly due to PML-N's insistence that judges deposed during the 2007 state of emergency be reinstated to their original positions.

International and domestic observers found the February parliamentary election to be competitive and noted that the results appeared to reflect the will of the voters, despite significant flaws in the process. The Government permitted all existing political parties to contest the elections. The largest political parties participated. Pakistan Tehreek-e-Insaaf (PTI), some Baloch parties, and several parties from the Muttahida Majlis-e-Amal (MMA) coalition were among those that staged a boycott.

The Government required voters to indicate their religion when registering to vote. The Ahmadi community boycotted the elections, according to the European Union Election Observation Mission, because they were required to register on a separate voter roll.

The network of civil society organizations known as the Free and Fair Election Network (FAFEN) documented intimidation of voters and political parties by security services and local landowners throughout the country prior to the election. In particular, their observers noted that police pressured candidates and political party workers by threatening to register cases against them. Police often reportedly did

not allow rallies for opposition parties and pressured individuals to vote for PML-Q. FAFEN also documented cases in which intelligence services pressured candidates to withdraw.

On election day, some voters were disenfranchised or were subject to intimidation. Women were barred from voting in four polling stations in NWFP and FATA and one in Sindh Province and were discouraged in others. The turnout of women was depressed throughout the country, even at female polling stations.

The ECP reportedly accredited approximately 25,000 domestic observers, the majority of whom were from FAFEN. The European Union and Democracy International were among the organizations that fielded international observation teams. In September for the first time, the ECP released the certified results of the elections broken down by polling station, a step toward greater transparency.

The Ministry of Interior issued restrictions on political rallies beyond what already existed in the electoral code of conduct, in the wake of suicide bombings against Benazir Bhutto and other high-profile leaders.

The International Foundation for Electoral Systems (IFES) noted that formal adjudication of challenges related to disputed election results was weak, and that the high courts did not meet the statutorily prescribed deadlines for adjudication of challenges in the majority of cases brought before them.

Petitions filed in the Lahore High Court Election Tribunal separately challenged the eligibility of PML-N leaders Nawaz Sharif to run for the National Assembly and Shahbaz Sharif to run for the Punjab Provincial Assembly. The Lahore High Court Election Tribunal ruled that Shahbaz could serve as chief minister of Punjab province and asked the Supreme Court to intervene in the challenge against Nawaz, which was based on his 2000 conviction for corruption and hijacking, charges that disqualified him from running for parliamentary office. At year's end, both cases were pending in the Supreme Court.

There were 60 seats in the National Assembly reserved for women, and an additional 16 women won directly elected seats in the 342-seat National Assembly. There were five women in the federal cabinet. For the first time in the country's history, the National Assembly elected a female speaker, Dr. Fahmida Mirza. There were 128 reserved seats for women of the 758 seats in provincial assemblies and one-third of the seats were reserved in local councils. Provincial chief ministers named women to serve in their cabinets. In some districts social and religious conservatives prevented women from becoming candidates.

There were 10 religious minority members in reserved seats in the National Assembly and one served in the cabinet as the Federal Minister for Minorities. Such seats were apportioned to parties based on the percentage of seats each wins in the assembly. Under the law, minorities held 23 reserved seats in the provincial assemblies: eight in Punjab; nine in Sindh; three in NWFP; and three in Balochistan.

Government Corruption and Transparency.—The law imposes criminal penalties for official corruption; the Government did not implement the law effectively in practice, however, and officials frequently engaged in corrupt practices with impunity. Public perception of corruption was widespread.

Special accountability courts try corruption cases brought by the NAB, including defaults on government loans by wealthy debtors. The NAB has not targeted genuine business failures or small defaulters. Accountability courts were expected to try cases within 30 days. In accountability cases, there was a presumption of guilt.

The Worldwide Governance Indicators of the World Bank reflected corruption was a severe problem.

On September 19, for the first time, the newly elected government appointed the leader of the political opposition as Chairman of the National Accounts Committee, which oversees federal spending.

In October 2007 the Government promulgated the NRO, which provided a mechanism for withdrawing cases against former public office holders who had been charged in politically motivated cases, but the ordinance prohibited those convicted of corruption by the NAB from holding public office for 10 years. The NRO was challenged both in the Supreme Court and the Sindh High Court. The Government maintained the NRO was promulgated to promote national harmony and political reconciliation among all political parties. According to the ordinance, no legislator could be arrested by law enforcement organizations, and if charges against a legislator were brought, a parliamentary committee would determine the validity of the charges before the case could proceed or be dismissed. Civil society activists and political observers viewed this measure as creating another privileged class. At the end of 2007 the Supreme Court had not ruled on challenges to the NRO.

The NAB stopped disproportionately targeting opposition politicians for prosecution following the return of the Anti-Crime and Economic Wings of the NAB in April

to the Federal Investigation Agency (FIA), which reports to the Ministry of Interior. Musharraf transferred them from the FIA to the NAB in 2002. The NAB did not prosecute active duty members of the military.

The Freedom of Information Ordinance restricts the information to which citizens may have access.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials of the new administration were cooperative but only somewhat responsive to the groups' views.

The Government sought NGO technical cooperation, especially from international NGOs, in the fields of humanitarian relief, development, environment, election operations, and human trafficking. Human rights groups reported they generally had good access to police stations and prisons.

The HRCP investigated human rights abuses and sponsored discussions on human rights issues during the year. In November the HRCP reported that NGOs were subject to militant threats, particularly in Peshawar.

The Government permitted international non-governmental human rights observers to visit the country and generally cooperated with international governmental human rights organizations. The ICRC and many agencies of the UN had offices in the country, including UNHCR, UNICEF, and UNDP.

On November 3, the Government created the Ministry of Human Rights. Once part of the Ministry of Law and Justice, the new ministry became a distinct federal agency.

The Senate and National Assembly Standing Committees on Law, Justice, and Human Rights held hearings on a range of issues, including honor crimes, police abuse of the blasphemy law, and the Hudood Ordinance. The committees served as useful fora to raise public awareness of such issues, but their final actions generally adhered to government policy, and the committees did not have the resources to do more than perform broad oversight. The Parliamentarians' Commission for Human Rights, an inter-party caucus of parliamentarians, lobbied effectively for reform in key areas.

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

The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; in practice, however, there was significant discrimination based on each of these factors.

Women.—Rape, other than by one's spouse, is a criminal offense. One cannot be prosecuted for marital rape or for rape in a case in which a marriage between the perpetrator and victim was contracted but not solemnized. Although rape was frequent, prosecutions were rare. Estimates were that victims reported fewer than 10 percent of rape cases to the police due to social norms and the fear of repercussions. The Ministry of Women's Development, Social Welfare, and Special Education was charged with handling these issues, with NGO assistance.

The Women's Protection Act of 2006 brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. Previously, under the rape provision of the Hudood Ordinance, a woman was compelled to produce four male witnesses to corroborate her charge. Under the new law, police are not allowed to arrest or hold a woman overnight at a police station without civil court judge consent. In an attempt to bypass difficulties rape victims faced at police stations, a provision in the act called for a sessions judge to hear all rape cases. Women's rights NGOs complained, however, that the law introduced barriers to rape victims who did not have money or access to the courts. Courts began bringing rape cases under the Women's Protection Act rather than the Hudood Ordinances. According to women's rights groups, however, the law was poorly enforced.

The punishment for rape ranges from 10 to 25 years in prison and a fine at a minimum, or the death penalty at a maximum. The penalty for gang rape is either death or life imprisonment, but sentences were often much lower.

There were no reliable national statistics on rape, due to the serious under-reporting of the problem. Local observers noted that rape was among the most taboo human rights violations in the country.

Police were at times implicated in rape cases. Police often abused or threatened victims and demanded they drop charges, especially when the accused had bribed police. Police demanded bribes from some victims prior to registering rape charges, and investigations were often superficial. NGOs reported that some police stations

stopped recording rape complaints. Medical personnel did not have sufficient forensics training, which further complicated prosecutions.

In early March Taslim Solangi, a 17-year-old girl, was allegedly the victim of an honor killing ordered by a jirga. According to the AHRC, she was attacked by dogs and then killed by her in-laws. On December 23, President Zardari appointed an inquiry officer in the case.

On March 15, according to the NGO War against Rape, five men gang-raped a newly wed 19-year-old woman at the Mazar-e-Quaid's mausoleum in Karachi for 36 hours, allegedly after drugging her and holding her at gunpoint. In April a DNA test on one of the suspects, Syed Khadim Hussein, was positive. The three suspects in the case were in prison at year's end and contesting the case. On November 22, a court rejected their bail plea.

On May 26, two men in Gawalmandi, Lahore, raped a seven-year-old girl, according to the Inquiry Commission on Human Rights Abuses. A prosecution case against two men, one of whom was her uncle, was ongoing at year's end.

On August 24, a group of men kidnapped, raped, and killed a 13-year-old school-girl in Rawalpindi. Authorities began an investigation but made no arrests by year's end.

On September 10, authorities suspended the chief investigating officer and ordered a higher level inquiry into the case of Samia, a woman whom multiple men kidnapped and raped in Mandi Bahauddin, Punjab. The attackers severely burned her with acid before killing her. The police did not initiate an official investigation despite the family's request. After the rapists issued death threats to her family, however, police provided them protection.

Police made no arrests in the January 2007 case of the 17-year-old girl whom four men gang raped in Shadara Town, Lahore, in Punjab.

An antiterrorism court in Hyderabad did not render an indictment by year's end in the January 2007 case of then 16-year-old Nasima Labano. As punishment for her male cousin being seen with a woman of another tribe, she was gang-raped by at least eight men and forced to walk without clothes through Habib Labano, her village in Sindh. She became pregnant as a result of the rapes. Despite initial resistance, police arrested six suspects in March 2007 and two more in July 2007. The family was forced to leave Habib Labano due to security concerns.

During the year, there were no developments in the Supreme Court case brought against the men involved in the 2002 gang rape of Mukhtar Mai. In 2005 the Supreme Court ordered that the five whose original conviction the Lahore High Court overturned be rearrested and held without bail. During the year, Mai was living in her village in Punjab with police protection, and the 13 men allegedly involved in the gang rape were in prison.

There were no developments in the 2005 rape case of Shazia Khalid at the Sui gas field in Balochistan. Baloch nationalists claimed that Frontier Corps personnel raped her; the Government claimed DNA evidence indicated otherwise. A tribal jirga condemned Khalid to death for dishonoring the tribe. She and her husband left the country in 2005; human rights organizations alleged they did so under pressure from the Government.

Domestic violence was a widespread and serious problem. Husbands reportedly beat, and occasionally killed, their wives. Other forms of domestic violence included torture and shaving. In-laws abused and harassed married women. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

There is no specific legislation prohibiting domestic violence, but sections of the Penal Code can be used to invoke justice for the victim. The National Commission on the Status of Women, a government body, advocated the passage of domestic violence legislation.

According to a June HRCP report, 80 percent of wives in rural Punjab feared violence from their husbands and nearly 50 percent of wives in most developed urban areas admitted that their husbands beat them. By November there were 21 reported cases of "stove deaths," incidents in which women are doused in kerosene and set on fire. According to the Progressive Women's Association, many incidents were unreported.

Women who try to report abuse face serious challenges. In the absence of domestic violence law, abusers may be charged with assault, but the abused rarely filed cases. Police and judges were reluctant to take action in domestic violence cases, viewing them as family problems. Police, instead of filing charges, usually responded by encouraging the parties to reconcile. Abused women usually were returned to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse for fear of dishonoring the family.

The Government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. There were approximately 70 district-run shelter homes and approximately 250 facilities operating as ad hoc emergency shelters for women in distress, including female police stations and homes run by the provincial Social Welfare departments. The district-run centers provided shelter, access to medical treatment, limited legal representation, and some vocational training.

In some cases at the government-run shelters, women were abused. There were five non-governmental shelters, one each in Islamabad, Lahore, and Multan, and two in Karachi.

There were no developments in the February 2007 case of the man who set his 21-year-old wife on fire in Rawalpindi with assistance from his two brothers. In late 2007 police arrested the man near Rawalpindi along with one brother on charges of murder; the second brother reportedly fled to Dubai. At year's end the case was pending in Rawalpindi District Court. According to the Progressive Women's Association, the family of the victim was socially pressured to withdraw the charges in exchange for blood money, but they refused.

Honor killings and mutilations occurred throughout the country during the year. Some men were also subject to honor killings, though women represent the majority of victims. Statistics on honor crimes were unreliable due to underreporting, but there were 476 killings of women reported between January and May.

A 2005 law that established penalties for honor killings. Human rights groups criticized the legislation because it allows the victim or the victim's heirs to negotiate physical or monetary restitution with the perpetrator of the crime in exchange for dropping charges, a law known as "qisas" and "diyat." Since honor crimes generally occurred within families, perpetrators were able to negotiate nominal payments and avoid more serious punishment.

In July perpetrators shot two teenage girls and three women in Baba Kot, Balochistan, and buried them in a ditch. The teenage girls reportedly wanted to choose their husbands and the adult women were accused of protecting them. The case prompted media controversy and condemnation by politicians and human rights groups after a Baloch parliamentarian, Senator Israrullah Zehri, defended this method of honor killing as a "centuries-old tradition" and the Government two months later elevated him to Federal Minister of Postal Services. Police did not file an FIR in the case and were accused of silencing it due to the influence of a provincial minister, whose brother was allegedly among the perpetrators, a charge the minister denied. The Federal Government and the provincial government initiated an investigation, and police arrested four of the seven suspects. The alleged mastermind, Aktar Umrani, was arrested on November 30 in Kandhkot, Sindh. The Balochistan High Court ordered the case registered, an inquiry was completed by mid October, and authorities arrested the remaining suspects. The female parliamentarian who raised attention to the case in the National Assembly received death threats.

There were no developments in the November 2006 killing of Mohammad Ayub Mahar's three daughters and his daughter-in-law, Safia Mahar, in Abdo village in Shikarpur District for allegedly having illicit affairs with other men.

Despite bans on the handing over women as compensation for crimes committed by rival tribes (also known as "vani" or "swara"), the practice continued in Punjab and NWFP.

Parliament outlawed forced marriages in February 2007, but implementation of the law remained a problem.

The World Bank released a study in February 2007 indicating that approximately one-third of marriages in rural areas were "watta satta," exchange marriages in which men marry each other's sisters, a practice that carries with it a mutual threat of retaliation. The study indicated that the reciprocal nature of the practice provided some measure of protection for women. According to the study, "women in watta satta marriages have substantially and significantly lower probabilities of marital estrangement, domestic abuse, and major depressive episodes." Human rights groups such as the HRCP criticized the practice, however, noting that "these marriages treat women as a commodity, and tension within one household also affects the other."

In rural Sindh, landowning families continued the practice of "Koranic marriages" to avoid division of property. Property of women married to the Koran remains under the legal control of their father or eldest brother, and such women are prohibited from contact with any male older than 14. These women were expected to stay in the home and not maintain contact with anyone outside of their family.

Prostitution is illegal. Most prostitutes were victims of domestic or international trafficking and were held against their will. Police generally ignored the activity if

they received bribes. Police raided brothels during the year but many continued to operate underground, particularly in larger cities.

Sexual harassment was a widespread problem. There was no law to protect women in the workplace. Press reports indicated harassment was especially high among domestic workers and nurses. Although the Penal Code prohibits harassment, prosecution was rare.

The law prohibits discrimination on the basis of sex, but in practice this provision was not enforced. Women faced discrimination in family law, property law, and the judicial system.

Family law provides protections for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. Many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support and their families ostracized them. Although it is prohibited by law, the practice of buying and selling brides continued in rural areas. Women are legally free to marry without family consent, but women who did so were often ostracized or were the victims of honor crimes.

Inheritance law discriminates against women. Female children are entitled to only one-half the inheritance of male children. Wives inherit only one-eighth of their husband's estate. In practice, women often received far less than their legal inheritance entitlement.

Women faced significant discrimination in employment and were frequently paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes continued the traditional practice of sequestering women from all contact with males other than relatives.

Numerous women's rights NGOs such as the Progressive Women's Association, Sehar, Struggle for Change, War against Rape, and Aurat Foundation were active in urban areas. Their primary concerns included domestic violence, the Hudood Ordinance, and honor crimes.

Children.—The Government made some progress during the year in defending children's rights and welfare through its laws and programs, but problems remained. Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. The Society for the Protection of the Rights of the Child (SPARC) reported children as young as 12 were arrested under the Anti-Terrorism Act. Children convicted under this act are subject to the death penalty.

Local laws do not mandate free public education, and schools generally charge tuition. Although some provincial governments such as Punjab's passed laws requiring free public education, many public schools continued to charge tuition and fees for books, supplies, and uniforms. Public schools, particularly beyond the primary grades, were not available in many rural areas, leading parents to use madrassas. In urban areas some parents sent children to private schools due to the lack of facilities and poor quality of education offered by the public system.

Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child abuse was widespread. According to child rights NGOs, abuse was most common within families. NGOs that monitored child abuse reported 1,417 cases by the end of November, down from 2,650 in 2007. Seventy percent of child abuse cases involved female victims. Press reports indicated that some madrassas continued to teach religious extremism and violence; others in isolated parts of NWFP and interior Sindh confined children illegally, kept them in unhealthy conditions, and physically or sexually abused them.

The legal age of marriage is 18 for males and 16 for females. Despite laws barring child marriages, there was evidence it occurred. In March, the Family Planning Association of Pakistan estimated that child marriages comprised 32 percent of marriages in the country. At a 2007 human rights seminar in Islamabad, participants noted a 12-year-old girl could be purchased for 90,000 to 200,000 rupees (\$1,143 to \$2,539) in parts of Sindh and NWFP. In rural areas, poor parents sold children as bonded laborers and sold their daughters into marriage.

On May 30, a jirga in Chach, Sindh, ordered that 15 girls from the Chakrani tribe, ages three to 10, be given away in "vanni," which meant they would be married to a rival tribe to settle an old dispute. As of June the Chakrani tribe had not handed them over and the matter was resolved.

The Edhi Welfare Trust (EWT) claimed to rescue approximately 30 infants each month from dumpsters in Karachi and elsewhere in the country and to recover the dead bodies of about four times as many infants. They reported that since 1970,

they have recovered 68,000 dead infants in garbage dumps. Of the infants abandoned or killed, 98 percent are girls, according to EWT.

There were no known limits on child IDPs' access to government services, though some civil society organizations demanded improvement in these services.

Trafficking and commercial sexual exploitation of children were problems. According to Sahil, an NGO that focuses on child sexual exploitation, children were generally prostituted through the involvement of a third party rather than prostituting themselves as a means of survival.

There were reports in 2007 that religious militants forcibly recruited child soldiers. The BBC reported that pro-Taliban militants kidnapped children as young as 11 and 12 in Tank and Dir and trained them as suicide bombers. In March 2007 police and Taliban militants clashed in Tank after officials at a boys' high school resisted militants' efforts to recruit students from the school. According to press reports, the militants later kidnapped the principal, whom they suspected of alerting the police, and attacked Tank. The ensuing clash reportedly left 25 militants and one paramilitary officer dead.

SPARC estimated that more than 100,000 children lived on the streets in urban areas in 2007. Many were runaways from the interior of Punjab and Sindh provinces or were Afghan refugees.

Trafficking in Persons.—The law prohibits domestic and international trafficking in persons; there were reports, however that persons were trafficked to, from, and within the country.

The country was a significant source, transit, and destination country for trafficked persons, and internal trafficking was a serious problem reportedly involving thousands of women and children. Men and women were trafficked from the country to the Middle East to work as bonded laborers or in domestic servitude. The country was also a destination for women and children from Bangladesh, India, Burma, Afghanistan, Sri Lanka, Nepal, and Central Asia for commercial sexual exploitation and forced labor. Women from Bangladesh, Sri Lanka, Nepal, and Burma were trafficked through Pakistan to the Gulf.

Maximum penalties for trafficking ranged from seven to 14 years' imprisonment plus fines. The Federal Investigation Agency's (FIA) anti-trafficking unit had primary responsibility for combating trafficking. An inter-ministerial committee on human trafficking and smuggling coordinated federal efforts. The Government assisted other countries with international investigations of trafficking.

Authorities registered approximately 1,300 human smuggling cases during the year. This figure included trafficking cases, because the FIA did not distinguish between trafficking and human smuggling. By the end of the year, authorities discovered and detained nearly 5,000 individuals attempting to travel on fraudulent exit permits or traveling through illegal routes. The FIA's human trafficking cell estimated that 7,000 to 8,000 people attempted to leave the country via trafficking rings, on forged or fraudulent documents.

Through November the FIA arrested 183 agents involved in false attempts to send smuggled individuals abroad. The FIA also issued a "red book" including the names and addresses of the smuggling agents whom the police had not captured. Although journalists and officials had access to the red book, the general public did not.

The Government, in cooperation with UNICEF and the United Arab Emirates, worked to repatriate and rehabilitate children used as camel jockeys. An estimated 700 children were repatriated through these efforts since 2005. The FIA facilitated payment of compensatory damages from the UAE.

Women and children from rural areas were trafficked internally to urban centers for commercial sexual exploitation and labor. Bonded labor of children in brick kilns, rice mills, and textile factories remained a serious issue. In some cases families sold the victims into servitude or believed they were marrying off their children or sending them for legitimate employment, but in other cases they were kidnapped. Women were trafficked from East Asian countries and Bangladesh to the Middle East via the country. Traffickers bribed police and immigration officials to facilitate passage. In 2007 authorities reportedly prosecuted government officers and arrested FIA inspectors for facilitating trafficking.

In 2005 the central government opened one model shelter in Islamabad specifically for trafficking victims. The Government provided temporary residence status to foreign trafficking victims.

Foreign victims, particularly Bangladeshis, faced difficulties in being repatriated to their home countries. Women trafficked abroad and sexually exploited faced societal discrimination upon their repatriation.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law provides for equality of the rights of persons with disabilities. There are employment quotas at both federal and provincial levels, which require public and private organizations to reserve at least two percent of their jobs for qualified persons with disabilities. In practice, however, this right is only partially protected due to lack of adequate enforcement mechanisms.

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Families cared for the majority of individuals with physical and mental disabilities. In some cases, however, criminals forced these individuals into begging and took much of the proceeds.

Organizations that refuse to hire persons with disabilities can choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided some job placement and loan facilities as well as some subsistence funding. The Council also operated the “Pakistan Society for the Rehabilitation of the Disabled,” which provided rehabilitation, vocational training, and some medical support to persons with disabilities.

When the King Edward Medical College refused to treat a disabled person on the grounds that the college did not have facilities for persons with disabilities, Punjab Chief Minister Shahbaz Sharif ordered on December 7 that the child be admitted to the college and that the provincial government cover the treatment costs.

There were no restrictions on the rights of the disabled to vote or participate in civil affairs.

Systematic discrimination against national, ethnic, and racial minorities is widely acknowledged privately, but insufficient data exist for clear and accurate reporting on these forms of discrimination.

Other Societal Abuses and Discrimination.—Homosexual intercourse is a criminal offense; in practice, however, the Government rarely prosecuted cases. Homosexuals rarely revealed their sexual orientation, and there were no cases brought during the year of discrimination on the basis of sexual orientation.

According to the Government’s National Aids Control Program (NACP), there was no observed discrimination based on HIV/AIDS status observed in the Government service. Societal attitudes toward HIV-positive individuals are changing slowly, but social discrimination lingers.

The NACP reported there were approximately 90,000 HIV-positive individuals in the country, and approximately 50 percent of those lived in Sindh Province. The report stated that “entrenched age-old social attitudes, practices, and stereotyping, which often lead to violence against women, coupled with unequal access to economic resources, are hampering progress toward dealing with the spread of HIV/AIDS.”

In cooperation with donors and the UN, the Government established the NACP, which managed a campaign to educate its citizens about AIDS. NACP held rallies and public campaigns, and spoke in mosques about birth control and AIDS awareness.

Section 6. Worker Rights

On November 19, the parliament repealed the previous labor law, the Industrial Relations Ordinance of 2002 (IRO), and enacted the Industrial Relations Act of 2008 (IRA), which allows labor unions. Labor groups were concerned that workers were not adequately consulted in the drafting of the legislation.

a. The Right of Association.—The constitution protects the right of association, and the law selectively allows workers to form and join independent unions of their choice without prior authorization. In practice, the law adopted in November was too new to judge enforcement, and the prior law was unevenly enforced during the year.

Through November the 2002 IRO denied the right of association for many sectors of the workforce, including civil servants; security and watch officers in transportation, energy, and shipping; oil and gas industries, post, press, and telecommunications; firefighting; education and medical institutions; nonprofit organizations; and all supervisory and managerial personnel. The Government had wide power to restrict associational rights of any category of workers, administratively refuse or cancel a union’s registration, and exclude or disqualify a union office bearer from holding further office.

Since November, the 2008 IRA provides the right of association for some private and public sector workers, although it does not apply to many of those previously excluded under the IRO.

The IRA significantly limits the membership of workers in trade unions of their choice by complex definitions of who qualifies for membership. This results in a bias toward small, disaggregated worker organizations. Under the IRA, trade unions have the right to join any federation or confederation of their choice.

Under the 2002 IRO, sectors excluded from the right to strike included those not allowed to associate, as well as workers in electricity generation and transmission, state-owned airlines and ports. The IRO significantly limited the manner in which workers could strike, and the Government had arbitrary authority to end any strike. Authorities could also classify union actions as “terrorist acts.” The Government prohibited all strikes by public utility services under the IRO. The IRO prohibited employers from seeking retribution against leaders of a legal strike and stipulated fines for offenders. The law did not protect leaders of illegal strikes. Whether workers could conduct sympathy strikes or strike on political grounds was legally ambiguous.

The IRA is similarly expansive in limiting the rights of workers to strike but is silent on the rights of workers to conduct sympathy strikes.

The Essential Services (Maintenance) Act of 1952 (ESMA) has been invoked to limit or ban strikes by public sector workers and to curtail collective bargaining rights. It applies to government services and state enterprises, such as energy production, power generation and transmission, airlines, and ports. The ESMA contains legally required conciliation proceedings and mandatory cooling-off periods, which effectively constrain the right to strike, as does the Government’s authority to ban any strike that may cause “serious hardship to the community” or prejudice the national interest. The Government may also under ESMA ban, without recourse for workers, a strike that has continued for 30 days.

According to NGOs and trade union experts, the total workforce during the year was 50.8 million. The Government assessed that 4 percent of the total estimated workforce was unionized, a figure that workers’ groups said underestimated total worker participation. Unions did not represent the majority of workers in the informal sector, who accounted for 70 percent of the total labor force.

There were no reported incidents of the Government dissolving a union without due process.

The 2006 ban by the Sindh Registrar of Trade Unions on the Karachi Shipyard and Engineering Works remained in place. Union representatives challenged the ban’s legality in the Sindh High Court in August 2007. The case was abandoned during the year.

b. The Right to Organize and Bargain Collectively.—Collective bargaining for some sectors is protected by law; in practice, the law adopted in November was too new to judge enforcement, and the prior law was unevenly enforced during the year.

Sectors exempt from the 2002 IRO included those denied the right of association listed above. Sectors exempt from the 2008 IRA include security forces, Pakistan Security Printing Corporation, fire services, and oil installations. The IRA prohibits employers from retaliating against workers for union activity, and any employer found to have engaged in serious violations was liable for fines but not imprisonment. The ESMA was often invoked to limit or ban strikes or curtail collective bargaining rights in certain sectors.

In the rest of the economy, the Government allowed unions to conduct their activities without interference, except for employees within the Export Processing Zones (EPZs). The more than 15,000 employees working in the country’s 12 EPZs are prohibited from joining unions, bargaining collectively, or striking under the ESMA. The EPZ Authority is empowered to draft labor laws within the EPZs, but no such laws have been drafted.

The 2002 IRO required the Government to determine every six months whether collective bargaining was to be allowed. In cases in which collective bargaining was prohibited, special tripartite provincial wage boards decided wage levels. Unions generally were dissatisfied with the boards’ findings. The National Industrial Relations Commission (NIRC) adjudicated disputes. Public sector workers were not allowed to appeal to the NIRC.

The International Trade Union Confederation (ITUC) reported that employers disqualify workers from union membership by promoting them to nominal managerial status. Management regularly resorts to intimidation, dismissal, and blacklisting to prevent unionization. For example, in September, Unilever dismissed all but five of 292 temporary workers at its Rahim Yar Khan factory in Punjab when the union announced it would help the workers achieve permanent status.

The ITUC reported in March that brick kiln bonded laborers attempted to organize in seven districts of Punjab province. The largest gathering was in Lahore, with nearly 5,000 attending the event. The Pakistan Bhatta (brick kiln) Workers Union requested a protest permit, but local authorities banned the demonstration.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits slavery and all forms of forced labor, including bonded and child labor; in practice, however, the

Government did not enforce these prohibitions effectively and there were numerous instances in which these practices occurred.

The law outlaws bonded labor, cancels all existing bonded debts, and forbids lawsuits for the recovery of such debts.

The Ministry of Labor, Manpower and Overseas Pakistanis at the federal level and labor officials in the provinces are responsible for enforcement of the Bonded Labour System (Abolition) Act of 1992 (BLSA), which banned bonded labor. The HRCP noted that the implementation of the act required review. The National Commission on Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers worked in conjunction with the International Labour Organization (ILO) to implement the National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers.

NGOs SPARC and SHARP reported that approximately two million persons were involved in some form of bonded labor, primarily in Sindh Province. Bonded labor was most common in the brick, glass, carpet, and fishing industries. In rural areas, particularly in the Tharparkar District of Sindh, bonded labor in the agricultural and construction sectors was fairly widespread.

A Freedom House report from January noted that bonded laborers sometimes sell their organs, particularly their kidneys, to escape servitude. According to the UN's Integrated Regional Information Networks (IRIN), the Sindh Institute of Urology and Transplantation conducted a survey in Punjab released in July 2007 noting that 93 percent of kidney vendors needed the money to repay debts and 69 percent of vendors were bonded laborers. There were continued reports of kidney sales after the introduction of the Human Organs and Tissues Transplant Ordinance, which banned the practice in September 2007.

A large proportion of bonded laborers were low caste Hindus, or Muslim and Christian descendants of low caste Hindus.

Bonded laborers often were unable to determine when their debts were fully paid. Those who escaped frequently faced retaliation from former employers. Some bonded laborers returned to their former status after being freed, due to a lack of alternative livelihoods. Although the police arrested violators of the law against bonded labor, many violators bribed the police to secure their release. Human rights groups reported that landlords in rural Sindh maintained as many as 50 private jails housing approximately 4,500 bonded laborers. Ties between such landlords and influential politicians hampered effective elimination of the problem.

On July 15, police in Dim village, Sanghar district, recovered 58 bonded laborers, including men, women, and children, from the farm of a Sindhi landlord, Ali Ghulam Marri. Some of the laborers were attempting to work off three decades of debt. Police registered the cases, but made no arrests, instead allowing the landlord to negotiate a legally binding agreement with the leader of the laborers whereby workers would continue working until they paid off the debt. This followed a week after police recovered 21 bonded laborers in the same district from landlord Haji Hussain Keerio.

In January 2007 the Lahore High Court in Rawalpindi freed 21 former bonded laborers, including women and children. They had been held captive in a bonded labor camp in Rawalpindi. Police registered the case against the owner of the brick kiln, Malik Yaqub, but he fled. There was no evidence of developments in this case during the year.

There was no evidence of developments in the February 2007 case in which the Lahore High Court in Rawalpindi recovered 40 bonded laborers, including women, children, and elderly persons, from a brick kiln in Loi Bhair, near Rawalpindi.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace; enforcement of child labor laws was lax, however, and child labor remained a serious problem.

The law makes bonded labor by children punishable by up to five years in prison and up to 50,000 rupees (approximately \$635) in fines. The law prohibits the employment of children younger than 14 in factories, mines, railways, rag picking, port areas, fireworks, and other hazardous occupations, and regulates their work conditions under the law. The Government has identified four occupations and 34 processes considered illegal for children, including street vending, surgical instrument manufacturing, deep sea fishing, leather manufacturing, brick making, production of soccer balls, and carpet weaving.

The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. No child is allowed to work overtime or at night and should be guaranteed one day off per week. In addition, the law requires employers to keep a register of children working for them, for examination by labor inspectors. These prohibitions and regu-

lations do not apply to family businesses or government schools. The law protects all children under age 18 from exploitation, and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are also liable under the law.

Enforcement was a serious problem. According to HRCP and SPARC, there were 10 to 11.5 million child laborers, many of them in agriculture and domestic work. The media reported that approximately 70 percent of non-agricultural child labor took place in small workshops, complicating efforts to enforce child labor laws as, by law, inspectors may not inspect facilities employing fewer than 10 persons. The Ministry of Labor, Manpower and Overseas Pakistanis had a small group of specialized labor inspectors empowered to inspect all facilities under the child labor law. Authorities say violations are immediately cited and prosecuted, but tacitly agree enforcement efforts are not adequate to meet the scale of the problem. Inspectors also have little training, insufficient resources, and susceptibility to corruption. Authorities allowed NGOs to perform inspections without interference, and SPARC noted that government officials usually cooperated with their visits.

The law allows fines of up to 20,200 rupees (\$256) for violations of child labor laws. Authorities often did not impose penalties on violators during the year, and when they did the penalties were not a significant deterrent. Although law enforcement authorities obtained hundreds of convictions for violations of child labor laws, the fines the courts levied ranged from an average of 364 rupees (\$5) in the NWFP to an average of 7,344 rupees (\$93) in Balochistan.

Children were forced to work in the brick kiln and carpet weaving industries as well as in agriculture as part of their family's obligation to their feudal overlord.

e. Acceptable Conditions of Work.—In March, the Government raised the fixed minimum wage per month from 4,000 (\$51) to 6,000 rupees (\$76). It applied only to industrial and commercial establishments employing 50 or more workers. The national minimum wage did not provide a decent standard of living for a worker and family and fell short of the Pakistan Workers' Federation demand for a minimum wage of 12,000 rupees (\$152) per month. Significant parts of the workforce, such as those in the informal sector, domestics, and migrant workers, were not covered.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, and contractors. Additional benefits required under the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a workers' welfare fund.

The ITUC reported that the Government made unilateral changes to the law in 2007, increasing hours of work, weakening worker protection, and creating a classification of "contract worker" ineligible for overtime pay. Criminal law requires police authorization for gatherings of more than four individuals, including union activities.

Health and safety standards were poor. There was a serious lack of adherence to mine safety and health protocols. For example, mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment.

Provincial governments have primary responsibility for enforcing all labor regulations. Enforcement was ineffective due to limited resources, corruption, and inadequate regulatory structures. According to the ITUC, labor inspectors have exempted certain employers from inspection in the provinces of Sindh and Punjab. Many workers remained unaware of their rights.

SRI LANKA

Sri Lanka is a constitutional, multiparty republic with a population of approximately 21 million. President Mahinda Rajapaksa, elected in 2005, and the parliament, elected in 2004, both for six-year terms, share constitutional power. International observers generally characterized these elections as free and fair. The Government has been engaged in a twenty-five year armed conflict with the Liberation Tigers of Tamil Eelam (LTTE). Effective January 16, the Government formally abrogated the 2002 Cease-Fire Accord (CFA) with the LTTE, and the conflict intensified during the year. While civilian authorities generally maintained effective control of the security forces, observers linked the Government closely to paramilitary groups believed responsible for serious human rights violations.

The Government's respect for human rights declined as armed conflict escalated. The overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils, while Tamils were only 16 percent of the overall population. Credible reports cited unlawful killings by paramilitaries and others believed to be working with the awareness of the Government, assassinations by unknown perpetrators, politically motivated killings, the continuing use of child soldiers by a paramilitary force associated with the Government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, and discrimination against minorities. Progovernment paramilitary groups were credibly alleged to have participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. During the year, no military, police or paramilitary members were convicted of any domestic human rights abuse. The executive failed to appoint the Constitutional Council, which is required under the Constitution, thus obstructing the appointment of independent representatives to important institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission.

The LTTE, a terrorist organization banned in the United States, India, the European Union, and Canada, maintained control of a shrinking area in the north of the country. The LTTE attacked and killed a large number of civilians; engaged in torture, arbitrary arrest, and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and practiced extensive forced recruitment, including of children. The LTTE was active in areas, particularly in the south, that it did not control, attacking military and civilian targets, including public buses and trains, and conducting political assassinations.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. Monitoring organizations reported that during the year, approximately eight hundred of the several thousand deaths associated with the hostilities between government security forces and the LTTE were civilian casualties as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action. International organizations noted that a significant proportion of the civilian casualties occurred in individual incidents, such as extrajudicial killings; however, reliable statistics on such killings by both sides were difficult to obtain because families feared reprisals if they filed complaints. The numbers reported by different organizations vary widely. Nongovernmental organizations (NGOs) believed that the majority of those reported as disappeared were actually killed.

NGO employees and other humanitarian assistance workers were killed by unknown assailants. As of September, of the 11 NGO and humanitarian workers killed, four were classified as missing or disappeared and 10 had been arrested or detained.

On February 17, two men on a motorcycle killed Neil Sampson Edirisinghe, pastor of the House Church Foundation in Ampara District. The police arrested three Home Guards and one businessman, and the trial was ongoing at year's end. In April a claymore mine explosion killed the founder and director of the Northeast Secretariat on Human Rights, Reverend M X Karunaratnam, in an LTTE-controlled area in the north. LTTE sources blamed army long-range reconnaissance patrols. The death remained unsolved.

The Government used paramilitary groups to assist its military forces in fighting the LTTE. The Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway-LTTE eastern commanders Vinayagamurthi Muralitharan, alias "Karuna," and Sivanesarathurai Chandrakanthan, alias "Pillaiyan," operated mostly in the east. Pillaiyan was sworn in as chief minister of the Eastern Provincial Council in May following elections; Karuna was appointed a member of parliament on October 7. The Eelam People's Democratic Party (EPDP), led by the Minister of Social Services and Social Welfare Douglas Devananda, operated in Jaffna. During the year, there were numerous killings and assaults of civilians by unknown actors suspected of association with the TMVP or the EPDP. Other progovernment paramilitaries were increasingly active in Mannar and Vavuniya.

On November 14, Pillaiyan's private secretary Kumaraswamy Nandagopan, alias "Ragu," was assassinated near Colombo. While some observers attributed the killing

to supporters of rival TMVP leader Karuna, opposition politicians linked the incident to groups associated with the military.

There was little progress in several high-profile killings under investigation by the Commission of Inquiry (CoI). In 2007 President Rajapaksa invited an International Independent Group of Eminent Persons (IIGEP) to assist the CoI and monitor its progress. The CoI interviewed witnesses in three cases and held public formal hearings, including testimony by video link from protected witnesses who had fled abroad. However, according to the IIGEP, the investigations were hampered by the lack of effective witness protection and the inappropriate role of the Attorney General's Office in steering the inquiry. The IIGEP terminated its mission in March, citing an "absence of political and institutional will" to identify the perpetrators and "uncovering the systematic failure and obstructions to justice that rendered the original investigations ineffective."

Credible evidence placed before the CoI alleged that security forces were responsible for the 2006 execution-style killing of 17 members of the French NGO ACF (Action Against Hunger). By year's end, no arrests were made. There was also no outcome of the CoI investigation into the case of five Tamil students killed in Trincomalee in 2006 despite testimony that implicated individual members of the security forces by name. While the commission indicated on several occasions that it was nearly ready to present its findings, by year's end, none of the commission's findings had become public.

There was no progress on the 2006 abduction and killings of Reverend Thiruchelvan Nihal Jim Brown and Wenceslaus Vences Vimalathas of St. Mary's Church at Allaipiddy on Kayts Island. There was no effective investigation into the 2006 abduction of Eastern University Vice-Chancellor Raveendranath, who was presumed dead.

In September the UN Human Rights Committee, which monitors compliance with the Optional Protocol to the International Covenant on Civil and Political Rights, found the Government responsible for the 1998 death of Sathasivam Sanjeevan. The committee concluded he had been tortured and killed by security forces. The Government did not respond.

During the year, media reports implicated the LTTE in attacks on political opponents and civilians. On January 16, the LTTE targeted a passenger bus in Monaragala District, killing 27 civilians including three children. On April 8, a suspected LTTE suicide bomber killed Minister of Highways and Road Development Jeyaraj Fernandopulle in Weliveriya. The LTTE also conducted a number of attacks on military and police targets, including the September 9 attack on the air base in Vavuniya that reportedly killed up to 20 members of the armed forces.

b. Disappearance.—Allegedly because of government pressure, the Sri Lanka Human Rights Commission (SLHRC) ceased providing statistics on forced disappearances by state security forces, progovernment paramilitary groups, or the LTTE. According to internationally respected monitoring organizations, after declining in mid-2007, the number of disappearances increased over the year to more than 500. On November 8, the chairman of the Presidential Commission on Disappearances, retired High Court Judge Mahanama Tilakaratne, stated that 1,100 persons missing or abducted in the past two years were still unaccounted for. In March Human Rights Watch (HRW) provided documentation on several hundred cases compiled by local human rights groups since mid-2006. The greatest concentration of disappearances during the year occurred in Vavuniya and the Eastern Province. The HRW report concluded that a crucial factor was "the systemic impunity enjoyed by members of the security forces and progovernment armed groups for abuses they commit."

Witnesses and potential victims identified the perpetrators of many abductions as Tamil-speaking armed men using white vans without license plates. The Government generally failed to investigate these incidents.

On May 14, during the country's presentation for the Universal Periodic Review at the UN Human Rights Council, the then attorney general C.R. De Silva stated that of 355 alleged disappearances submitted to the Government, initial investigations revealed 12 persons had left the country, 17 persons were back living with their families, and 11 young persons had "eloped." De Silva was unable to account for the remaining 89 percent of cases on the list. During the year, the Government did not indict or convict anyone, including security force or paramilitary members, of involvement in disappearance-related cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law makes torture a punishable offense and mandates a sentence of not less than seven years' imprisonment. However, in the few publicized torture convictions since 2004, the courts have generally acquitted the defendants or released them on

bail pending appeal. Human rights groups alleged that some security forces believed torture to be allowed under specific circumstances. Following an October 2007 visit, UN Special Rapporteur (UNSR) on Torture Manfred Nowak concluded that “torture is widely practiced in Sri Lanka.”

Methods of torture and abuse reportedly included beatings, often with sticks, iron bars, or rubber hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment. UNSR Nowak singled out the Terrorist Investigative Department facility in Boossa for including the “fullest manifestation” of torture methods.

In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. Human rights groups estimated that more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities. The military denied holding detainees at its facilities and did not grant access to national or international monitors to investigate claims of torture by military forces.

No accurate, publicly available statistics on reported torture cases were available. However, civil society reported on several cases. In February police arrested and tortured Dodampe Gamage Asantha Aravinda and K. J. Thusara Chaminda in the Pittabaddara police station in Matara District. Police beat both severely and threw acid on Aravinda’s face. On November 12, policemen entered the home of Surangi Sandamali Padmini Peiris, the wife of Sugath Nishanta Fernando, and severely beat her and her family. Fernando was killed after filing bribery and torture charges against police officers in Negombo earlier in the year. Following Fernando’s funeral, Peiris had given a statement in court naming police officers she suspected were behind her husband’s murder.

On April 2, the Negombo High Court acquitted six police officers charged with torturing Gerald Perera. A victim of custodial torture, Perera was killed on a public bus in 2004 a week before he was scheduled to give evidence in his case in court. The judge ruled that because there were no longer any direct eyewitnesses to prove the charges against individual officers, the case could not go forward.

In May the Supreme Court found that Tony Fernando was tortured in 2003 by prison officials and awarded him compensation of 150,000 rupees (\$1,330).

The Asian Human Rights Commission (AHRC) documented the case of Sanjaya Sumedha, who was arrested along with his father by the police in Kurunegala on July 11. The 14-year-old Sanjaya reported being beaten during his nine days of detention and had to spend five days in the hospital recovering after his release.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. Prisons designed for 8,200 inmates held as many as 28,000 prisoners, according to the 2007 assessment by UNSR Nowak. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted. Nowak observed prisoners sleeping on the concrete floor and often without natural light and sufficient ventilation. Female prisoners were held separately from male prisoners and in generally better conditions. However, some rights groups alleged that isolated incidents of degrading treatment, including overcrowding, maltreatment, or abuse of female prisoners occurred. According to Nowak’s assessment, “the combination of severe overcrowding and antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment.” Nowak noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews, and conducting medical evaluations of detainees.

The Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC). The ICRC reported receiving unrestricted access to government and LTTE-controlled prison facilities and detention centers. In 2007 the Government granted Nowak unrestricted access only to government prisons and police detention facilities. However, the Government did not pro-

vide access to any detention facilities operated by military intelligence, stating that none existed. There were credible reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed. The ICRC also was not allowed to visit suspected illegal detention facilities operated by paramilitaries.

In Jaffna the Council of NGOs recorded that at least 69 individuals sought “humanitarian protection” in the Jaffna prison. Most of the individuals held with their consent claimed that they feared for their lives because of threats from security forces or paramilitaries.

d. Arbitrary Arrest or Detention.—The law prohibited arbitrary arrest and detention; in practice such incidents occurred. Under the arrest and detention standards imposed by the emergency regulations, the law did not clearly define what constitutes an arbitrary arrest. Data concerning arrests made during the year under the emergency regulations were fragmentary and unreliable. Overall, several thousand individuals were detained at least temporarily, the majority of whom were released within 24 hours of their arrest.

Role of the Police and Security Apparatus.—The Inspector General of Police (IGP) was responsible for the 65,000 member Sri Lanka Police Service (SLPS). The SLPS conducts civilian police functions such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order. The IGP reports to the Minister of Defense, Public Security and Law and Order (in a separate chain of command from that of the armed forces and other military units). The 5,850 member paramilitary Special Task Force also falls under the Ministry of Defense. There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police. Of the police officers serving in Tamil majority areas, few were Tamil and most did not speak Tamil or English. Through October, after a public recruitment drive, the police hired 175 Tamil-speaking policemen to serve in the east. Impunity, particularly for cases of police torture and disappearances of civilians within High Security Zones (HSZs), was a serious problem, as was corruption. A 2007 AHRC assessment cited the Government’s tolerance of pervasive corruption as a major reason for the police force’s incapacity to investigate and prosecute cases effectively.

On October 3, Kandasamy Kugathas and A. Gunaseelan were killed after being part of a group of 14 Tamils detained by the police in Batticaloa on suspicion of having links to the LTTE. The following morning, nine of the remaining 12 were released. Relatives of the detained refuted police claims that Kugathas and Gunaseelan were released the morning of October 4, reporting that they had seen both at the prison that evening. According to eyewitness accounts, the two were taken from their cells late at night on October 4 by men in civilian clothing, who asked for the victims by name. Six days later Kugathas’ and Gunaseelan’s mutilated bodies were found. The remaining three detainees were subsequently released.

Arrest and Detention.—Under the law authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice it often took a few days until the detained persons appeared before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases suspects had the right to legal representation. Counsel was provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.

Under the emergency regulations, the armed forces had the legal authority to arrest persons, but they were required to turn suspects over to the police within 24 hours. Police could detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. After the abrogation of the CFA, the defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards.

In cases when security force personnel were alleged to have committed human rights abuses, the Government generally did not seek to identify those responsible or bring them to justice. Case law generally failed to uphold the doctrine of command responsibility for human rights abuses. Human rights organizations noted

that some judges appeared hesitant to convict on cases of torture because of a seven-year minimum mandatory sentence with no room for issues of severity or duress.

At year's end, there was no functioning witness protection program. According to human rights organizations, obtaining medical evidence of torture was difficult, since there were fewer than 25 forensic specialists, equipment was lacking, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting the evidence.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but in practice the judiciary at lower levels remained reliant on the executive. The President appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints and transfers lower court judges. During the year, the Supreme Court demonstrated significant independence from the Government in several decisions with regard to detentions and various actions of the executive that it found to be arbitrary. However, for several years the Government has failed to appoint the Constitutional Council, whose function was to ensure the independence of constitutional bodies such as the judicial service commission. As a result a series of important checks on executive power was absent. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the President and the parliament.

Trial Procedures.—In criminal cases juries try defendants in public. Defendants were informed of the charges and evidence against them, and they had the right to counsel and the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the High Court and the Courts of Appeal but not in cases before lower courts. Allegations were made that the Legal Aid Commission, which provides such assistance, extorted money from beneficiaries. Private legal aid organizations assisted some defendants. Juries were not used, however, in cases brought under the Prevention of Terrorism Act (PTA). Defendants in PTA cases had the right to appeal.

Defendants were presumed innocent. Confessions obtained by coercive means, including torture, were inadmissible in criminal courts. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion. Subject to judicial review, in certain cases defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.

The law required court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges were present at the magistrate level, only four High Court judges, one Appeals Court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil.

The LTTE continued to operate its own "court system" composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees. However, some cases, such as one brought against journalist J.S. Tissainayagam under the Prevention of Terrorism Act, appeared to be politically motivated.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for the right to privacy; however, the Government infringed on these rights, particularly when conducting cordon and search operations in Tamil neighborhoods. On July 2, army, police, and Special Task Force units cordoned off and searched Kimbula Ela, a predominantly Tamil neighborhood of Colombo. Authorities told local residents to vacate their apartments and gather in a nearby outdoor playground, where they were called forward and videotaped individually. On July 18, as part of preparations for a major South Asian summit, the Government ordered 800 families to move from their homes in Slave Island, a neighborhood in central Colombo, claiming that the land belonged to the Defense Ministry. Before the Supreme Court issued a stay, the Government demolished 45 houses. The Government moved the affected residents, Muslim, Tamil and Sinhalese, to wooden huts approximately three miles away.

The LTTE routinely interfered with the privacy of citizens by maintaining a network of informants.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Government security forces, progovernment paramilitary groups, and the LTTE used excessive force and committed abuses against civilians. The Government used army commandos known as Deep Penetration Units to conduct operations against the LTTE in the LTTE-controlled Vanni. However, because of targeting errors, some of these attacks claimed civilian victims.

The LTTE also used special operatives to conduct infiltration operations against government security forces. LTTE suicide cadres, also known as “Black Tigers,” killed civilians in attacks targeted at the opposing military force. The LTTE reportedly used chemical agents, such as tear gas or CS riot control gas, in combat situations.

Killings.—In Jaffna the progovernment paramilitary EPDP used a network of informants and worked with military intelligence and other government security forces to identify, abduct, and kill alleged LTTE sympathizers or operatives. The TMVP used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.

The TMVP, the EPDP, and other paramilitary organization ran extortion rings. These groups allegedly killed civilians, in many cases following abductions. According to credible reports, the Government provided protection, intelligence, and military training to TMVP and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture.

On October 6, a suicide bomber killed the leader of the opposition in the North Central Provincial Council; retired Major General Janaka Perera; an opposition organizer, Raja Johnpulle; and 26 others in Anuradhapura. The Government and most observers held the LTTE responsible for the attack, although others accused the TMVP. However, senior opposition politicians also blamed the Government for not providing Perera, a known LTTE target, with adequate personal security.

On October 9, an LTTE suicide bomber attacked Minister of Agricultural Development and Agrarian Services Development Mathripala Sirisena’s convoy in Boralegamuwa outside of Colombo. The minister escaped unharmed, but one civilian was killed and five injured in the blast.

Abductions.—In the east the TMVP often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the TMVP took place in IDP camps in Batticaloa and Trincomalee districts.

During the year, the LTTE continued to detain civilians, often requiring individuals, including children, to fight government security forces against their will. The Tigers enforced a “one family, one fighter” policy, forcing each family to provide at least one recruit to the LTTE. As the year progressed and the LTTE’s military position deteriorated, monitoring groups reported more aggressive recruitment by the LTTE, including of older teenagers. The LTTE required individuals to purchase the right to leave LTTE-controlled territory. The LTTE also allegedly used civilians as human shields.

Physical Abuse, Punishment, and Torture.—On January 28, a claymore mine attack killed 17 civilians, including nine school children, near Madhu, an area controlled by the LTTE at the time. A military spokesperson denied the army was behind the attack.

International demining efforts sought to address the barriers posed by landmines, booby traps, and unexploded ordnance to resettlement of IDPs and rebuilding in the east after the Government’s expulsion of the LTTE.

The LTTE and the TMVP continued to interfere with the work of international NGOs. The LTTE prevented refugees from leaving areas under its control in the north and sought to influence aid organizations in areas under its control. In the east credible sources linked the TMVP to the October 29 abduction of Sankarapillai Shantha Kumar, a member of the NGO Consortium in Akkaraipattu, Ampara District. Although a complaint was filed, at year’s end he remained missing and there was no progress on the investigation.

Child Soldiers.—Both the LTTE and the TMVP recruited and used minors in their armed wings. However, UN Children’s Fund (UNICEF) figures noted significant reductions in the scale of recruitment compared to prior years.

The LTTE had not complied with the promise to end the use of all minors by the end of 2007. As the conflict worsened, credible sources alleged that the LTTE’s “one family, one fighter” policy included forced recruitment of all age groups, including older teenagers. Through the end of November UNICEF reported that the LTTE

forcibly recruited (or rerecruited) 26 children during the year with an average age of 17 years. As of November 30, 99 children remained in LTTE custody, as well as 1,325 who were recruited as children but were over 18 at year's end.

The TMVP released a total of 39 child soldiers on April 7 and April 24. Some children were immediately returned to their parents, while others went to a government rehabilitation center in Ambepussa. UNICEF reported that as of November 30, 56 children were still serving in the TMVP while an additional 71 who had been recruited as children were now over the age of 18. However, the TMVP continued to recruit and rerecruit children, albeit at much lower levels than in previous years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. Although the Government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent newspapers, journals, and radio and television stations. The Government imposed no political restrictions on the establishment of new media enterprises. Several foreign media outlets operated in the country.

Media freedom deteriorated in the Colombo area, as well as in the conflict-affected north and east. Many journalists practiced self-censorship. In April Freedom House released its 2007 Global Freedom Report, which categorized the country's press as "not free." Other national and international media freedom organizations and journalists' associations expressed concern over media freedom and were sharply critical of the Defense Ministry's role in harassing and intimidating journalists.

The Government made several attempts to prevent independent media houses from criticizing the Government and its policies. Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to run stories that portrayed the Government in a positive light.

Media personnel were subject to threats and harassment during the year. Statements by government and military officials, including Defense Secretary Gothabaya Rajapaksa, Army Commander Sarath Fonseka, and Minister of Labor Mervyn Silva, contributed to an environment in which journalists who published articles critical of the Government felt under threat. On August 4, Minister of Labor Mervyn Silva and his entourage physically assaulted two television journalists. On November 14, Silva and three others were indicted by the attorney general in the High Court of Colombo on nine counts of unlawful assembly, mischief, robbery, and assault for this incident. On December 17, the case was settled when Silva agreed to pay the equivalent of 750,000 rupees (\$6,640) in damages and to refrain from attacking journalists in the future.

On March 7, the Terrorism Investigation Division arrested Sunday Times columnist J.S. Tissainayagam under the emergency regulations, along with V. Jasiharan and Valarmathy Vadivel, the owners of a printing press and Tissainayagam's partners in an internet Web site. The Government formally indicted Tissainayagam and his colleagues under the PTA on August 25, the first time media personnel had been charged under the PTA in the 30-year history of the act. The state accused Tissainayagam, as the editor and publisher of the North Eastern Monthly magazine, of conspiracy to discredit the Government, intent to aid and abet a terrorist organization, and the receipt of money from NGOs to support terrorism through the publishing of his magazine. The Government found comments against security forces to be aiding and abetting the LTTE by causing communal disharmony and bringing the state into disrepute. The case was ongoing at the end of the year. All three remain in detention. The families of the detained journalists reported receiving threats from unidentified persons.

On May 22, unidentified men kidnapped and severely beat deputy editor and defense columnist of the Nation newspaper Keith Noyahr. After several hours Noyahr was released near his home. General Secretary of the Sri Lanka Working Journalists' Association Poddala Jayantha believed that Noyahr's writing and analysis of the civil war were the reasons for the attack. No individuals were charged with the assault.

On May 28, television correspondents P. Devakumaran and Mahendran Varadan were killed while returning home on a motorbike in Navanthurai in Jaffna.

On July 1, journalist and Project Coordinator at the Sri Lankan Press Institute Namal Perera and a British High Commission local staff member were attacked by six persons as they travelled from the Press Institute's offices. Both were injured, and there were no arrests.

The LTTE tightly restricted the print and broadcast media in areas under its control. Reporters Without Borders named LTTE leader Velupillai Prabhakaran as a "predator of press freedom." The LTTE reportedly intimidated Colombo-based Tamil

journalists, and self-censorship was common for journalists covering LTTE-controlled areas.

Internet Freedom.—In June 2007, the Government ordered the country's two largest Internet service providers to restrict access to TamilNet, a pro-LTTE news Web site. At the end of the year, access had not been restored.

Individuals and groups could generally engage in the expression of views via the Internet, including via e-mail. A number of Web sites, some sponsored by opposition parties, were critical of the Government. The Government took no measures against several Web sites calling for the killing of "traitors to the Sinhala nation."

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice; however, some restrictions existed. For example, the 2005 emergency regulations give the President the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled, but the Government generally granted permits for demonstrations, including those by opposition parties and minority groups.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The Government often used informants to target individuals for arrests and interrogation based on their association.

The LTTE did not allow freedom of association in the areas it controlled. Both the LTTE and TMVP reportedly forced persons to attend political rallies.

c. Freedom of Religion.—The law accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice. There was no state religion, although the majority of citizens were followers of Buddhism.

Foreign clergy may work in the country, but the Government sought to limit the number of foreign religious workers given temporary work permits. Permission usually was restricted to denominations registered with the Government.

While the courts generally upheld the right of Christian groups to worship and to construct facilities to house their congregations, local authorities manipulated rules to prevent registration of new Christian denominations or construction or expansion of worship facilities. The Supreme Court ruled in 2003 that although the constitution supports the right of individuals to practice any religion, it does not support the right to proselytize.

Societal Abuse and Discrimination.—On July 6, five Buddhist monks stopped services at the Calvary Church in Thalahaena, Malabe. Police sent the congregation home and failed to stop villagers from ransacking the church and assaulting the pastor and five workers. Police later arrested eight suspects, who were released on bail July 7. No further action had been taken at year's end.

In Trincomalee on September 21, Sivakururaja Kurukkal, chief priest of the Koneswaram Temple, was killed while travelling in a high-security area near several government checkpoints. There were no further developments in the investigation.

Tensions were reported between members of the Muslim and Tamil communities in the east as a result of the intimidation and harassment of Muslims by the TMVP. For example, on May 26, 3,000 Muslims in Eravur closed their shops and demonstrated against recent shootings of Muslims in the area. On June 2, the Muslim communities in Kattankudy and Eravur conducted a general strike following the funeral of a Muslim killed in Kallady a day earlier.

There were no reported cases of anti-Semitism.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." However, in practice the Government severely restricted this right on multiple occasions. The war with the LTTE prompted the Government to impose additional checks on travelers from the north and the east and on movement to Colombo. In Colombo police refused to register Tamils from the north and the east, as required by Emergency Regulation 23,

sometimes forcing them to return to their homes in areas affected by the conflict. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee.

The Government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Unlike other citizens, ethnic Tamil's identification cards were printed in both Sinhalese and Tamil, allowing security forces immediately to determine who was an ethnic Tamil. Citizens of Jaffna were required to obtain permission from the army's Civil Affairs unit, or in some cases from the EPDP, to leave Jaffna. According to several sources, the waiting list was more than five months long. Curfews imposed by the army also restricted the movement of Jaffna's citizens.

Security forces at army checkpoints in Colombo frequently harassed Tamils. After the Government assumed effective control of the east, both the Government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils.

The Government maintained its closure of a highway crossing near Jaffna and restricted the movement of passengers and supplies into the LTTE-controlled Vanni region through another crossing. The Government instituted additional checks on movements in all directions a key junction near Medawachiya. In November 2007 the defense secretary issued a verbal directive prohibiting civilians from traveling from LTTE to government-controlled areas at a crossing near Olanthai without special clearance from the Government agents in the LTTE-held Vanni. Commercial flights to the Vanni remained suspended, and the LTTE refused to guarantee the safety of civilian flights and of passenger and supply ships operated by the ICRC or the Government.

Limited access continued near military bases and the HSZs where civilians could not enter. The HSZs extended up to an approximately 2.5-mile radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In 2007 the President announced the creation of a large HSZ in Muttur East and Sampur on land previously inhabited by Tamils before fighting between government security forces and the LTTE caused the Tamils to flee. The Supreme Court dismissed lawsuits challenging this HSZ, holding that government security measures could not be the subject of a private lawsuit.

Internally Displaced Persons (IDPs).—In May Walter Kalin, the representative of the Secretary General on the Human Rights of Internally Displaced Persons, issued a report that placed the number of IDPs in the country at the beginning of the year at more than 577,000. This included those displaced by previous phases of the conflict, as well as by the 2004 tsunami. The UN High Commissioner for Refugees (UNHCR) reported in December that there were 261,453 IDPs in the north and east that had been displaced since January 2006. Of these, approximately 230,000 were newly displaced as a result of renewed hostilities in the north.

Of the 170,000 persons reportedly displaced across the Eastern Batticaloa and Trincomalee districts between 2006 and 2007, all but 8,300 IDPs in Batticaloa and 4,200 IDPs in Trincomalee returned under the government- and UNHCR-facilitated returns process began during the year. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom remained in camps in Puttalam. The Government had not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs.

The UNHCR found sexual abuse to be prevalent in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. In addition to sexual abuse, credible accounts noted that the TMVP conducted forced recruitment of children and young adults in IDP camps.

The LTTE continued to impose a pass system restricting the flow of persons exiting the Vanni region through the established checkpoints. The LTTE regularly taxed civilians traveling through areas it controlled.

Fighting between the LTTE and government forces continued to threaten the safety of IDPs and humanitarian agents in the north. In early September military aircraft bombed the town of Kilinochchi in LTTE-controlled territory, for the third time barely missing the offices of the UN World Food Program and the UN Office for the Coordination of Humanitarian Affairs. Shortly thereafter, the Government ordered all international humanitarian organizations except the ICRC out of the north, citing security concerns. As a result international humanitarian assistance providers reported difficulty in transporting supplies to areas of great need, including shelter materials and medical supplies.

As government troops advanced towards Kilinochchi, the administrative capital of the LTTE-held territory, tens of thousands of local residents were forced to flee

deeper into the Vanni. At year's end, there were an estimated 230,000–300,000 IDPs living in LTTE-held territory that had an estimated overall population of 375,000. Many families had been forced to move multiple times.

When displaced persons reached government-controlled territory, the Government generally did not permit them to move on but detained them in internment camps. More than 800 persons, most originating from Jaffna and Kilinochchi, were reportedly confined in two IDP camps in Mannar District. Strictly enforced camp rules required that any person leaving the barbed wire-encircled camp must obtain permission and leave one family member behind. Persons without family members were not permitted to leave the camp until a group of single persons requested permission and can be escorted by security forces. Humanitarian conditions, especially sanitation, reportedly fell short of international standards. This prolonged detention violates international practices on treatment of IDPs and the constitution.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the Government did not establish a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees.

As of October 31, 2,394 Sri Lankan citizens had fled to India. Children and adults were killed as a result of Sri Lankan Navy attacks on boats with refugees in the Palk Strait between the country and India.

Stateless Persons.—The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the Sri Lankan nationality of previously stateless persons, particularly Hill Tamils. The Government took steps to naturalize and provide citizenship documentation to most stateless persons. However, at the beginning of the year, documentation efforts had not reached an estimated 70,000 Hill Tamils, who remained vulnerable to arbitrary arrest and detention. Government ministers from political parties representing Hill Tamils stated that efforts were underway to provide national identity cards and other citizenship papers to those without adequate documentation.

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

The law provides citizens with the right to change their government peacefully.

Elections and Political Participation.—The President, elected in 2005 for a six-year term, holds executive power, while the 225-member parliament, elected in 2004, exercises legislative power.

The EU Election Observation Mission described the 2005 Presidential election as generally satisfactory. The LTTE enforced a boycott of the polls and conducted seven grenade attacks in the north and east. As a result, less than 1 percent of voters in the north were able to exercise their right to vote. At year's end there was no resolution of the parliamentary investigation opened in 2007 into persistent media allegations of a preelection agreement between the Rajapaksa campaign and the LTTE to suppress Tamil votes.

On May 10, the Government held elections for a newly created Eastern Provincial Council (EPC). On June 4, TMVP leader Pillaiyan took office as chief minister of the EPC. Opposition parties and observer groups criticized the vote for alleged irregularities, accusing the TMVP of violence and intimidation.

On August 23, the Government won majorities in provincial council elections in the North Central and Sabaragamuwa provinces. Observers indicated that the votes in both provinces were generally free and fair, despite serious election-related violence in the weeks leading up to the vote.

There were 14 women in the 225-member parliament, five female ministers, and two women out of 11 justices on the Supreme Court. There were 34 Tamils and 24 Muslims in the parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The tendering and procurement process for government contracts was not transparent, leading to allegations of corruption by the losing bidders. Senior officials served as corporate officers of several quasi-public corporations, including Lanka Logistics and Technologies, which the Government established in 2007 and designated as the sole procurement agency for all military equipment. Critics alleged that large kickbacks were paid during the awarding of certain defense contracts. The Govern-

ment used state pension funds to set up a new loss-making budget airline, Mihin Air, in 2007 with many of the same officials serving as corporate officers. On May 1, Mihin Air went bankrupt, but the 2009 budget allocated several million dollars to restart operations.

The Commission to Investigate Allegations of Bribery or Corruption received 2,668 complaints, of which 965 were under investigation at year's end.

There was no law providing for public access to government information.

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

A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases despite increasing government restrictions.

The Government continued to allow the ICRC unrestricted access to declared detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. During the year, the ICRC also delivered health education programs in LTTE-controlled areas in the north and east and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees.

By statute the SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, in practice the SLHRC rarely used its powers. No actions were taken to investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC since 2006. The SLHRC did not have enough staff or resources to process its case-load of pending complaints, and it did not enjoy the full cooperation of the Government. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator. In December 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing government interference in the work of the SLHRC.

The SLHRC's torture prevention monitoring unit, established in 2004, ceased effective functioning in 2006 because of inadequate funding.

In 2004 the LTTE set up the Northeast Secretariat of Human Rights (NESOHR). Since its inception, NESOHR received hundreds of complaints ranging from land disputes to child recruitment complaints. Some groups questioned NESOHR's credibility because of its close ties to the LTTE.

The Government continued to refuse the request by the UN High Commissioner for Human Rights for an expanded mission and an independent presence in the country. The Ministry of Defense, government officials, and diplomatic missions abroad regularly accused human rights NGOs and UN bodies of bias.

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

The law provides for equal rights for all citizens, and the Government generally respected these rights in practice; however, there were instances where gender and ethnic-based discrimination occurred.

Women.—The law prohibiting domestic violence was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive problems. The law specifically addresses sexual abuse and exploitation, and it contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Bureau for the Protection of Children and Women (BPCW) within the police conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the Government did not increase recruitment of female police officers to alleviate the problem. The BPCW received 723 complaints of grave violent crimes and 1,908 minor crimes against women through October, representing a decrease from 2007 levels.

Civil society activists reported that the resumption of the conflict had led to an increase in gender-based violence perpetrated by the security forces. Statistics were unavailable because few, if any, charges were filed in such incidents. For example, human rights groups in northern districts alleged that the wives of men who had disappeared and who suffered economic deprivation as a result often fell prey to sexual exploitation by paramilitaries and members of the security forces.

According to the BPCW, 253 reported incidents of rape occurred through October. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited.

Prostitution, although illegal, was prevalent. Some members of the police and security forces reportedly participated in or condoned prostitution. Trafficking in women for forced labor also occurred.

Sexual harassment was a criminal offense carrying a maximum sentence of five years in prison; however, the Government did not enforce the law. Women often experienced sexual harassment.

The law provides for equal employment opportunity in the public sector. In practice women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work and experienced difficulty in rising to supervisory positions. Although women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men. The demand for female labor was mainly for casual and low-paid, low-skill jobs. Women's participation in politics was approximately 5 percent in the parliament and the provincial councils.

Women had equal rights under national, civil, and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination. The minimum age of marriage for women was 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government-assisted settlements, as the law does not institutionalize the rights of female heirs.

Children.—The law required children between the ages of five and 14 to attend school. The Government provided extensive systems of public education and medical care. Education was free through the university level. Health care, including immunization, was also free.

Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also defines child abuse to include the involvement of children in war.

NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than to inadequate legislation. The conflict with the LTTE had priority in the allocation of law enforcement resources. However, the police's BPCW conducted investigations into crimes against children and women. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the President. From January to October, the BCPW received 888 complaints of grave violent crimes and 1,787 of minor crimes against children.

The Government advocated greater international cooperation to bring those guilty of sexual exploitation of children to justice. Although the Government did not keep records of particular types of violations, the law prohibits sexual violations against children, defined as persons less than 18 years, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine. Through September the Government opened 1,650 files, of which 746 resulted in indictments for sexual assault and exploitation of children, including statutory rape; 174 were dismissed. The remaining cases were pending at year's end.

Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from sexual abuse. Commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that there were approximately 6,000 children exploited for commercial sex in the country. Sri Lankan citizens were responsible for much of the commercial sexual exploitation of children. However, the International Labor Organization (ILO) and UNICEF found that foreign tourists exploited thousands of children, especially boys, for commercial sex, most of whom were forced into prostitution by traffickers. The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism.

Trafficking in Persons.—The law prohibited trafficking in persons. Legal penalties for trafficking include imprisonment for two to 20 years and a fine. For trafficking in children, the law allowed imprisonment of three to 20 years and a fine.

The country was both a point of origin and destination for trafficked persons. Sri Lankan men and women migrated legally to the Middle East, Singapore, Hong Kong, Malaysia, and South Korea primarily to work in construction, factories, and as domestics. A small percentage of those who went abroad found themselves in situations of involuntary servitude, facing restrictions on movement, threats, and physical or sexual abuse. Illegal recruitment agencies charged large predeparture fees that forced some migrants into debt bondage.

The Bureau of Foreign Employment (BFE) has responsibility to protect and assist workers who go abroad for work. The BFE estimated that approximately 1.6 million Sri Lankans were working abroad at the end of 2007. The BFE licensed recruitment agencies and had three offices to protect migrant workers abroad: a police detachment that raided and arrested bogus recruitment agencies, an office that mediated with foreign employers and recruiting agencies to resolve workers' complaints, and a prosecutorial department that tried cases against unlicensed recruiting agencies. The BFE conducted a publicity campaign to warn of the dangers of going abroad illegally and of using illegitimate recruitment agencies. Lack of effective enforcement against violators and the infrequency of punishment for abuses provided little incentive for operators to refrain from illegal but lucrative practices. In 2007 the BFE received 8,445 complaints. The largest category of these (38 percent) was for nonpayment of wages.

Women and children were reportedly trafficked internally for domestic and sexual servitude. No statistics were available on the extent of this problem. A smaller number of Thai, Chinese, and Russian women and women from the former Soviet Union were also trafficked into the country for commercial sexual exploitation.

The NCPA had primary responsibility for prevention of trafficking in children. It had a Special Police Investigations Unit, with arrest authority, that focuses on combating the trafficking of children for commercial and sexual exploitation. The NCPA had several cases pending against child traffickers, but no trials were completed. As in the case of other criminal proceedings in the country, it may take up to a decade to secure a conviction. The NCPA also operated rehabilitation centers for abused children, including child trafficking victims, in Negombo and Kalutara. The centers provided shelter, counseling, legal assistance, and career guidance for victims. A Probation Department worked to reintegrate children with their families. The Government also conducted awareness campaigns to educate persons about trafficking.

The Government continued its programs to monitor immigration by suspected traffickers or sex tourists, including a cyber watch project to monitor suspicious Internet chatrooms.

The military's Judge Advocate General's Court of Inquiry found 15 soldiers, including two officers, guilty in the 2007 case of the country's peacekeepers in Haiti sexually exploiting children while they were stationed there under UN auspices. Some were sentenced to receive dishonorable discharges; others were to be punished summarily with penalties including a combination of loss of seniority or rank, confinement to barracks, loss of pay, and General Officer Letters of Reprimand.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip

Persons With Disabilities.—The law forbids discrimination against any person on the grounds of disability; however, in practice discrimination occurred in employment, education, and provision of state services. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government provided financial support to NGOs that assisted persons with disabilities including subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties due to negative attitudes and societal discrimination.

There were regulations on accessibility; however, in practice accommodation for access to buildings for persons with disabilities was rare. The Department of Social Services provided housing grants, self-employment grants, and medical assistance to persons with disabilities. In 2007 the department began offering a monthly allowance of approximately 3,000 rupees (\$27) to families of the disabled. At year's end, 2,125 families had received this grant.

National/Racial/Ethnic Minorities.—Both local and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the Government. According to the SLHRC, Tamils also experienced discrimination in housing.

Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups.

Indigenous People.—The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, lack of legal documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods.

Other Societal Abuses and Discrimination.—The law criminalizes homosexual activity, but this was not enforced. Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the Government. In recent years human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas.

There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups.

Section 6. Worker Rights

a. The Right of Association.—The law allowed workers to form and join unions of their choice without previous authorization with the exception of members of the armed forces and police officers, who are not entitled to unionize. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Forty percent of an establishment must belong to the same union to compel the employer to recognize the union. In practice such rights were resisted by the management of individual factories and administrative delays by the Government in registering unions. Approximately 20 percent of the seven million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.

Under the law workers in the Export Processing Zones (EPZs) have the same rights to join unions as other workers. Although some unions were able to organize EPZ workers, forming trade unions was more difficult in the zones, as some employers tried to undermine the formation of unions there. As a consequence the unionization rate within the EPZs was under 10 percent of the workforce. As of September 2007 fewer than 10 trade unions were active in EPZs, partially because of access restrictions on outsiders to enter the zones. According to the Board of Investment (BOI), in September 2007, unions were attempting to operate in 33 out of 264 factories in the EPZs; however, they were formally recognized in only 12 of these factories.

Most large unions were affiliated with political parties and played a prominent role in the political process, although some major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower was authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration.

By law all workers, other than police, armed forces, prison service, and those in essential services, have the right to strike, but the Government did not enforce this law uniformly. Workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. Strikes are forbidden in areas that are determined by the President to be "any service which is of public utility or is essential for national security or for the preservation of public order or to the life of the community and includes any Department of the Government or branch thereof." No services have been declared essential to date.

The law prohibits retribution against strikers in nonessential sectors; in practice, however, employees were sometimes fired for striking. Credible sources reported that in 2007 a company in an Export Processing Zone terminated two union officers for engaging in union activity and organizing a strike.

The Supreme Court occasionally intervened to stop public sector trade union actions when they threatened business or government operations. In 2006 the Supreme Court issued a restraining order preventing unions at the Colombo Port from striking at the request of the industry group Joint Apparel Associations Forum (which later withdrew its request in December 2007) after the unions ignored a lower court directive to return to work. The trade unions filed a complaint with the ILO Committee of Freedom of Association. In November 2007 the ILO observed that

ports do not constitute an essential service and considered the restriction on the port workers as contrary to ILO principles. The ILO requested the Government to expedite the judicial process and take necessary steps to ensure that the committees' observations regarding the right to strike were conveyed to the Supreme Court. The Supreme Court held that while proceedings were pending in the highest court of the country, the unions should not seek redress from an external body. The court ruled that the ILO complaint defied the Supreme Court and the law of the country. In June the ILO responded that its competence to examine allegations were not subject to national procedures and that due to its mandate, the matters dealt with by the ILO no longer fall within the exclusive sphere of States. As such the action taken by the ILO cannot be considered interference in internal affairs. Despite the ILO's recommendations with regard to the right to strike in 2007, the Supreme Court acted on one occasion during the year to end a strike. In September when teachers struck over compensation issues, the Supreme Court asked the Government to address teacher grievances and ordered teachers to return to work.

The law allows unions to conduct their activities without interference, and the Government enforced the law unevenly. Public sector unions are not allowed legally to form federations, but the law was not generally enforced. The law prohibits workers between 16 and 21 years old from leadership positions in a union. The International Trade Union Confederation (ITUC) reported that union officials and organizers were harassed and intimidated with impunity in response to legitimate union activities, including arrests, libel, and death threats.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining; however, the Government did not enforce it. All collective agreements must be registered at the Department of Labor. In 2007 66 collective agreements were registered.

The Employer's Federation of Ceylon (EFC) employs an estimated 15 percent of the country's three million private sector workforce, primarily in the tourism, finance, plantations, manufacturing, and services sectors. The EFC did not have members from the large informal sector or foreign or government employees. About half of EFC's 520-company membership had a unionized workforce, and approximately 44 companies in the EFC had collective agreements with workers.

Employers found guilty of antiunion discrimination must reinstate workers fired for union activities but may transfer them to different locations. Antiunion discrimination was a punishable offense liable for a fine of 20,000 rupees (\$177). Since 1999 the Government has not prosecuted any company or union for unfair labor practices under section 32A of the Industrial Disputes Act; however, some were prosecuted under various other labor laws, such as the Wages Board Act, Employees Provident Fund Act, Termination Act, or other sections of the Industrial Disputes Act, and several employers were under investigation. In practice employers often delayed recognition of unions for collective bargaining indefinitely. The ITUC reported that employers used these delays to identify, victimize, terminate, and sometimes assault or threaten union activists.

In most EPZ enterprises, worker councils, composed of elected representatives of employees, engaged in labor and management negotiations. In accordance with BOI guidelines, they participated in labor-management negotiations. As of September 2007 worker councils were active in 110 factories. The ILO approved the right of worker councils to engage in collective bargaining, provided worker councils were not used to undermine the position of unions. NGOs and unions reported that undermining did occur.

There were three operating collective agreements with unions in the EPZs during 2007, out of 264 enterprises. Labor representatives alleged that the BOI and the Department of Labor discouraged union activity within EPZ factories and favored worker councils. Restricted access to the EPZs for union and NGO organizers made it difficult to organize. Labor representatives alleged that the labor commissioner, under BOI pressure, failed to prosecute employers who refused to recognize or enter into collective bargaining with trade unions. The Government countered that employees preferred to work within a company to resolve disputes rather than via large unions spanning many companies. BOI representatives stated that workers appeared to be reluctant to pursue collective bargaining agreements due to concerns that negotiated fixed wages may be cut into by high inflation.

c. Prohibition of Forced or Compulsory Labor.—The law prohibited forced or bonded labor; however, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage

in technical training. Persons under age 18 may not be employed in any public enterprise in which life or limb is in danger.

There were no reports that children were employed in the EPZs, the garment industry, or any other export industry. Children sometimes were employed during harvest periods in the plantation sectors and in nonplantation agriculture. Sources indicated that many thousands of children (between 14 years and 18 years of age) were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. There were cases of under-age children recruited to serve as domestics abroad, primarily in the Middle East.

The National Child Protection Authority was the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police were responsible for the enforcement of child labor laws. There were 232 complaints of child employment through November, a significant increase over 2007 levels. Information on litigation was not available. Penalties for employing minors were 10,000 rupees (\$89) or 12 months' imprisonment.

The Government identified a list of 49 occupations considered to be hazardous. Of these occupations, 40 were to be unconditionally prohibited for children under 18 years, with limited exceptions for the remaining nine occupations. However, the Government did not pass any implementing legislation by year's end.

e. Acceptable Conditions of Work.—While there was no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum wage in sectors covered by wages' boards was increased to 5,750 rupees (\$51) in July. In addition to the minimum wage, employees covered by the wages' boards received an allowance of 1,000 rupees per month (\$9) in 2005 that effectively brought the total minimum wage to 6,750 rupees per month (\$60). The minimum wages set by some wages' boards was higher than the Government stipulated minimum wage for covered. These minimum wages, however, did not always provide a decent standard of living for a worker and family. The minimum wage in the public sector was higher than that governed by the wage boards. Workers in sectors not covered by wage boards, including informal sector workers, were not covered by any minimum wage.

The law prohibited most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day work week). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. The overtime pay is 1.5 times the wage. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's efforts were inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared they would lose their jobs if they removed themselves from the work situation. The Government had 682 labor inspectors. The ITUC reported that labor inspection was inadequate in the EPZs, as labor inspectors cannot make unannounced visits.

Migrant labor also faced abuse. There were cases when recruitment agencies promised one type of job to a migrant but changed the job, employer, or salary after the employee arrived.

TAJIKISTAN

Tajikistan, with a population of approximately seven million, is an authoritarian state, and political life is dominated by President Emomali Rahmon and his supporters. While the country's constitution provides for a multiparty political system, in practice the Government obstructed political pluralism. The November 2006 Presidential election lacked genuine competition and did not meet international standards, although there were some improvements on voting procedures. The civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, and corruption continued to hamper democratic and social reform. The following human rights problems were reported: restricted right of citizens to change their government; torture and abuse of detainees and other persons by security forces; threats and abuse by security forces; impunity of security forces; lengthy pretrial detention; denial of right to fair trial; harsh and life-threatening prison conditions; prohibited international monitor

access to prisons; restricted freedom of speech, the press and media; restricted freedom of association; restrictions on freedom of religion, including freedom to worship; harassment of international nongovernmental organizations (NGOs); difficulties with registration and visas; violence and discrimination against women; trafficking in persons; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were cases of deaths in detention facilities. In some cases families of detainees disputed the official cause of death. In September Sadullo Rakhimov died after six months in pretrial custody. The authorities claimed that Rakhimov died of natural causes, but his family claimed that he died as a result of mistreatment.

During the year the number of victims of landmines decreased, with four deaths and eight injuries. In 2007 there were 13 victims, seven of whom died. The Government continued to work with international organizations to remove landmines throughout the country.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, security officials reportedly employed them. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

Security officials, particularly from the Ministry of Interior (MOI), continued to use beatings or other forms of coercion to extract confessions during interrogations. Beatings and other mistreatment were common also in detention facilities. A 2008 study by the Bureau for Human Rights and Rule of Law, a local NGO, credibly found a bias in the criminal justice system toward law enforcement officials exacting confessions from those who are arrested. Articles in the criminal code do not specifically define torture, and the country's law enforcement agencies have not developed effective methods to investigate possible violators.

The Government prosecuted 67 officials for misconduct during the year, but it is unclear how many of these cases were for torture or degrading punishment. Prosecutors have generally charged law enforcement officials under criminal provisions related to abuse of official powers or extracting testimony under duress.

Prison and Detention Center Conditions.—The Government operates eight prisons, including one for female convicts, and four pretrial detention facilities.

The Ministry of Justice (MOJ) continued to refuse access to prisons or detention facilities to representatives of the international community and civil society seeking to investigate claims of harsh treatment or conditions. Some foreign diplomatic missions and NGOs were given access to implement assistance programs or carry out consular functions, but their representatives were limited to administrative or medical sections, and they were accompanied by ministry of justice personnel. The Government has not signed an agreement with the International Committee for the Red Cross (ICRC) to allow free and unhindered access to prisons and detention centers, and ICRC's international monitoring staff has not returned to the country since departing in 2007.

During the year detainees and inmates complained of harsh and life-threatening conditions, including overcrowding and lack of sanitary conditions. Disease and hunger were serious problems, but outside observers were unable to assess accurately the extent of the problems because of lack of access. Organizations that work on prison issues reported that infection rates of tuberculosis and HIV were significant, and that the quality of medical treatment was low.

d. Arbitrary Arrest or Detention.—The Government has not substantially altered the Criminal Procedure Code (CPC) since the Soviet period, and the criminal justice system failed to protect individuals from arbitrary arrest or detention. There were few checks on the power of prosecutors and police to make arrests.

Role of the Police and Security Apparatus.—The MOI, the Drug Control Agency (DCA), the Agency on State Financial Control and Fight Against Corruption (Anti-corruption Agency), the State Committee for National Security (SCNS), the State Tax Committee, and the Customs Service shared civilian law enforcement responsibilities. The MOI is responsible primarily for public order and controls the police force. The Drug Control Agency, Anti-corruption Agency, and the State Tax Committee each have mandates to investigate specific crimes, and they report to the

President. The SCNS has responsibility for intelligence, and controls the Border Service. The Customs Service reports directly to the President. The Prosecutor General's Office oversees criminal investigations conducted by these agencies.

The responsibilities of each of these entities overlapped significantly, and law enforcement agencies deferred to the SCNS. Law enforcement agencies were not effective at investigating organized criminal gangs, and corruption remained a serious problem. There were credible allegations that officers bribed their commanders for promotion. Traffic police were known to retain for themselves the fines they issued for traffic violations. While there were some prosecutions of law enforcement officials, many serious abuses—particularly those committed by high-ranking officials—went unpunished.

Victims of police abuse may submit a formal complaint in writing to the officer's superior. However, most victims chose to remain silent rather than risk retaliation by the authorities. During the year the Government arrested 67 law enforcement officials for criminal violations; approximately 29 of these were arrested for corruption. Of the 109 law enforcement officials arrested in 2007, courts convicted 103 and released or acquitted the remaining six.

Arrest and Detention.—Prosecutors are empowered to issue arrest warrants, and there is no requirement for judicial approval of an order for pretrial detention. The law allows police to detain a suspect without a warrant in certain circumstances, but a prosecutor must be notified within 24 hours of arrest. Pretrial detention may last up to 15 months in exceptional circumstances. Local prosecutors may order pretrial detention for up to two months; subsequent detentions must be ordered by progressively higher level prosecutors. A defendant may petition for judicial review of a detention order. However, judges rarely questioned detention decisions, and observers regarded this review as a formality.

Individuals have the right to an attorney upon arrest, and the Government must appoint lawyers for those who cannot otherwise afford one. In practice the Government did not always provide attorneys, and those it did provide generally served the Government's interest, not the client's. There is no bail system, although criminal case detainees may be released conditionally and restricted to their place of residence pending trial. According to the law, family members are allowed access to prisoners only after indictment; officials occasionally denied attorneys and family members access to detainees. The authorities held many detainees incommunicado for long periods without formally charging them.

The Government generally provided a basis for arrest, although there were claims that authorities falsified charges or inflated minor problems to make politically motivated arrests. Police occasionally arrested innocent persons, accused them of committing crimes the police were attempting to solve, and subsequently framed them to report a false resolution of the case. In some cases law enforcement officials did not obtain arrest warrants as required and did not bring charges within the time specified by the law.

Prosecutors oversee the pretrial investigation, and they have the right to initiate criminal proceedings.

Amnesty.—Unlike the previous year, there was no general amnesty.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive branch and criminal networks exerted pressure on prosecutors and judges. Corruption and inefficiency were significant problems.

The CPC gives the prosecutor a disproportionate degree of power in relation to judges and defense advocates. This power includes control of the formal investigation and oversight of the entire case proceedings. "Supervisory powers" provided by law allow prosecutors to protest a court decision outside of normal appeal procedures. Prosecutors effectively can cause court decisions to be annulled and reexamined by higher courts indefinitely after appeal periods have expired. These powers are an impediment to establishing an independent judiciary.

The criminal courts generally have three levels: district, city or regional, and national courts. Most cases are heard in general criminal courts. However, in rare instances military courts try civilians, where they have the same rights as defendants in civilian courts. A military judge and two officers drawn from the service ranks hear such cases. A constitutional court adjudicates claims of constitutional violations.

The President is empowered to appoint and dismiss judges and prosecutors with the consent of parliament. Judges at all levels often were poorly trained and had extremely limited access to legal reference materials. Low wages for judges and prosecutors left them vulnerable to bribery, which remained a common practice. Judges were subject to political influence.

The Government addressed problems of judicial integrity by holding some judges and prosecutors accountable for criminal conduct. During the year the Government arrested four judges and one justice system employee for corruption. Courts convicted four justice employees who were arrested in 2007, primarily for corruption. Of these, two were notaries and two were judges.

Trial Procedures.—Trials are public, except in cases involving national security. The authorities have denied access to monitoring organizations to trials without cause. A panel consisting of a presiding judge and two “people’s assessors” determines guilt or innocence. Qualifications of the assessors and how they are determined is unclear, but their role is passive, and the presiding judge dominates the proceedings.

According to the law, cases should be brought before a judge within 28 days after indictment; however, most cases were delayed for months. Under the law, courts appoint attorneys at public expense; however, in practice authorities often denied arrested persons access to an attorney.

Those who were indicted were invariably found guilty. Judges often gave deference to uncorroborated testimony of law enforcement officers, especially members of the SCNS, and often discounted the absence of physical evidence.

According to the law both defendants and attorneys have the right to review all government evidence, confront and question witnesses, and present evidence and testimony. No groups are barred from testifying, and, in principle, all testimony receives equal consideration. The law provides for the right to appeal. The law extends the rights of defendants in trial procedures to all citizens.

While prosecutors are allowed legally to intervene in cases, there were no reported incidents of prosecutors exercising this right.

Political Prisoners and Detainees.—Authorities claimed there were no political prisoners and that they did not make any politically motivated arrests; however, opposition parties and local observers claimed that the Government selectively prosecuted political opponents. There was no reliable estimate of the number of political detainees.

Muhammadruzi Iskandarov, head of the Democratic Party of Tajikistan and former chairman of Tojikgaz, the country’s state-run gas monopoly, remained in prison following his unlawful extradition from Moscow and 2005 conviction for corruption. Former Interior Minister Yakub Salimov remained in prison serving a 15-year sentence for crimes against the state and high treason following his 2005 closed trial. Rustam Fayziev, deputy chairman of the unregistered Party of Progress, continued to serve a five-year sentence in jail for insulting and defaming President Rahmon in a 2005 letter.

Civil Judicial Procedures and Remedies.—Civil cases are heard in general civil courts, economic courts, and military courts. In practice the jurisdictions of these courts overlap significantly, impeding fairness and efficiency. For example, the Supreme Court determined that a military court should hear civil cases related to the Jehovah’s Witnesses because evidence presented by the SCNS involved national security. An economic court heard a land use dispute between the Grace Sun Min Church and the City of Dushanbe, despite the lack of a clear commercial interest.

Although the constitution provides for an independent judiciary, in practice it was neither independent nor impartial in civil matters. In the Grace Sun Min Mission Center case, the Dushanbe city government repeatedly filed suits in the Dushanbe Economic Court to gain control over property rights that the church had purchased in the late 1990s. In 2004 the Dushanbe Economic Court issued a decision in the Mission Center’s favor. The city of Dushanbe filed a petition, and the Dushanbe Economic Court reopened the case, ignoring both the court’s previous decision and that the legal appeal period had expired. In December 2007 the court again ruled in the Mission Center’s favor. In August the Supreme Economic Court ordered that the Dushanbe court again hear the case. The court ruled against the Mission Center, and the Supreme Economic Court upheld the ruling. Observers were unable to explain the new decision, which ignored all prior decisions. Credible sources alleged that judges involved in the case were under the influence of the Dushanbe mayor, Mahmadsaid Ubaidulloev.

Property Restitution.—Despite changes to the land code, substantive property law is weighted against private property holders. Property recording systems are outmoded, leaving government officials with numerous opportunities to claim that property owners violated regulations. Government officials relied on lack of procedural transparency to implement development plans that call for building new business or residences in city centers at the expense of long-time residents. Municipal governments that developed these plans did not share them with the public, and

evictees were afforded only a cursory degree of due process. Officials appeared to decide that government control of certain parcels was necessary with no public debate and without elaborating on the justification for government seizure. Governments then notified residents that they must leave their property and offered very little compensation. If residents did not comply, city officials took them to court; court hearings generally resulted in an eviction order. Property owners who challenged evictions in the courts generally were unsuccessful and were subject to retribution—some were charged with criminal violations.

In June officials demolished the country's only synagogue to make way for a new Presidential palace. In April, despite significant irregularities in the process, a local court upheld an eviction order against Dushanbe's Jewish community. City officials and Jewish community leaders were unable to reach a compromise to relocate the synagogue or pursue an alternative solution. Observers criticized the lack of procedural transparency and fairness, as well as the authorities' unwillingness to compensate adequately the community.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, although police forces committed violations in practice.

Under the law police cannot enter and search a private home without the approval of a prosecutor, except in special circumstances in which a delay would impair national security. If police search a home without prior approval, they must inform a prosecutor within 24 hours. In practice police frequently ignored these laws and infringed on citizens' right to privacy. There is no independent judicial review of police searches conducted without permission.

The law prohibits the Government from monitoring private communications; however, it is believed that they did so on occasion.

Leaders of the SDPT, SPT (the Narziev faction) and DPT (the Iskanderov faction) alleged that government officials coerced or threatened the members into leaving the parties or denying their party affiliation.

Police and MOI officials often harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, in practice the Government restricted these rights.

Authorities subjected individuals who disagreed with government policies to intimidation and discouraged them from speaking freely or critically. Under the law a person can be imprisoned for up to five years for insulting the President.

All newspapers and magazines whose circulations exceed 99 are subject to registration with the Ministry of Culture. There were 173 registered newspapers, none of which were dailies (major newspapers came out once per week). There were also 71 registered magazines and six news agencies. The Government continued to control most printing presses and the supply of newsprint. During the year at least six new national newspapers began publishing. Two of these, Asolat and Risolat, were privately funded, religious-themed newspapers.

Media organizations claimed that the new Law on Access to Information, which parliament passed in June, did not in fact give journalists greater access to official information. For example, after the legislation took effect, several ministries and agencies did not provide information unless questions were submitted in writing. Release of the information required the consent of the top ministry and agency officials. Government agencies had up to a month to provide the requested information, limiting journalists' ability to obtain information in a timely manner.

The independent media were active but, as in previous years, the Government subjected the media to different means of control and intimidation; media outlets regularly practiced self-censorship out of fear of government reprisal. Credible media sources observed that certain topics were considered off limits including derogatory information about the President or his family members, or questions about financial impropriety by those close to the President.

Government authorities occasionally subjected individual journalists to harassment and intimidation. In August Zainiddin Olimov, head of the Jamoat of Kulob, allegedly assaulted Jurakhon Kabirov in response to an article in the newspaper Millat. Journalists reported that government officials limited their access to information or provided advice on what news should not be covered. There were no reported instances of violence against journalists by unidentified persons.

Other common types of harassment included prosecutions to intimidate journalists, warnings made by telephone and in person at a prosecutor's office or during visits to editorial offices, and selective tax inspections. In September the Prosecutor-General's Office instituted criminal proceedings against Dodojon Atovulloyev, the editor-in-chief of the Moscow-based opposition newspaper Charogh-i-Ruz (The Light

of Day). Prosecutors cited provisions in the criminal code that criminalize calling for the overthrow of the constitutional order and public defamation of the President to institute proceedings and are allegedly seeking Atovulloyev's extradition from Russia.

In September the National Association of Independent Media Outlets of Tajikistan (NAIMOT) and the Union of Journalists of Tajikistan (UJT) expressed concern about the treatment of Tursunali Aliyev, for his criticism of Sughd authorities in a 2007 article in *Tong*, a local newspaper. Local prosecutors rejected charges against Aliyev in 2007 but Sughd regional prosecutors instituted criminal proceedings against him during the year for slander. Observers viewed the case as intended to intimidate journalists. At the end of the year, the case remained underway.

Broadcasting entities must obtain a production license from the State Committee on Television and Radio and a broadcast license from the Ministry of Transport and Communications. The Government, however, restricted issuance of these licenses. The Government continued to review licensing regulations with public debate and input by journalists, but the process was lengthy, and there were no significant changes to the regulations. The Government remained in control of most broadcasting transmission facilities.

There are four state-run television channels that broadcast throughout the country and four state-run television stations that broadcast regionally. There is one national and several regional state-run radio stations. Several independent television and radio stations are available in a very small portion of the country.

Independent radio and television stations continued to experience administrative harassment and bureaucratic delays. Of the private television stations, only a few were genuinely independent, and not all of them operated without official interference. The Government granted no new production or broadcast licenses to independent television or radio stations. According to the National Association of the Independent Media of Tajikistan (NANSMIT), more than 20 privately owned broadcasting organizations were unable to begin working because the licensing commission had rejected their documents over the last two or three years.

The Government allowed some international media to operate freely, including rebroadcasts of Russian television and radio programs. However, the Government continued to deny BBC a renewal of its license to broadcast on FM radio. Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting.

Opposition politicians had very limited access to state-run television. The Government allowed opposition leaders limited airtime during the Presidential election campaign in October and November 2006.

Internet Freedom.—In 2007 the Criminal Code was amended to criminalize libel and defamation on the Internet, punishable by up to two years in prison. At year's end the Government had not prosecuted anyone under these amendments.

Two Internet sites remained blocked as a result of the 2006 government order to block access to Web sites that "undermined the state's policies."

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government at times restricted this right in practice.

A permit from a local executive committee is required to organize any public assembly or demonstration; only registered organizations may apply for permits. In general the Government refused to grant permits for fear that large gatherings would lead to violence and political upheaval. Groups that staged protests without permission from the Government were dispersed by police soon after assembling.

In February and March residents of the Gorno-Badakhshan Autonomous Oblast (GBAO) conducted protests against law enforcement officials and for political rights in Khorogh, each consisting of a few hundred persons. Central government officials negotiated an end to the demonstrations.

Freedom of Association.—The constitution protects freedom of association; however, in practice the Government restricted this right. The Law on Observing National Traditions and Rituals continued to infringe on individuals' abilities to hold private events such as wedding and funeral ceremonies. The law limits the number of wedding guests and controls ceremonial gift presentations and other traditional rituals. The law also regulates the number of guests at funerals and memorial services. Some citizens reported that government officials monitored weddings and funerals to ensure all parties obeyed the new law.

The Law on Public Associations created a complicated process for all NGOs to register with the MOJ; the law gives government authorities numerous bases upon which to delay or deny registration. In 2007, the Government required all existing NGOs to reregister. In the beginning of the year, the MOJ announced that slightly more than 1,000 NGOs had completed the reregistration process; there had been 3,500 registered NGOs in 2007.

Many observers confirmed government claims that a large number of the NGOs that were not reregistered were nonfunctional and existed only on paper. However, some legitimate NGOs encountered difficulties in the reregistration process, and some accused government officials of using the process to extort bribes from legitimate NGOs.

Of more than 1,000 NGOs that reregistered, approximately 50 were international entities. The MOJ refused to register a prominent democracy-building international NGO and harassed its staff. Other international NGOs reported difficulties due to unpredictable application of the law. Representatives of local NGOs involved in human rights and democracy activities cited government controls—including the registration process—as reasons why NGOs were generally unable to raise the profile of grassroots civic issues.

The Government continued to refuse to register political parties and associations that it considered to be opposition groups. The Government also intensified its monitoring of the activities of religious groups and institutions to prevent them from becoming overtly political.

Legislation defines extremism in broad terms and gives law enforcement agencies wide latitude to investigate. There were no reliable estimates of the number of persons arrested or detained for membership in extremist organizations, such as the IMU and Hizb ut-Tahrir (HT). Authorities reported that those arrested faced charges of membership in banned organizations, illegal possession of weapons and the disruption of the constitutional order.

While prosecutors have secured convictions for many of those arrested for extremist activities, law enforcement officials used their authority to monitor, question and detain a broad spectrum of individuals and groups. For example, according to the Prosecutor General's Office, criminal cases were initiated against 23 members of HT in 2007. However, it is believed that authorities questioned or otherwise detained significantly more individuals based on suspicion of HT membership or activities.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, in practice the Government continued to impose restrictions and respect for religious freedom continued to deteriorate.

The Council of Ulama, a committee of Islamic clergy, provides interpretations of religious practice that imams throughout the country are required to follow. While the council is officially an independent religious body, in practice it is heavily influenced by the Government. The Department of Religious Affairs (DRA) at the Ministry of Culture is responsible for general regulation of all religious organizations. The DRA, in consultation with local authorities, registers and approves all religious places of worship. For Muslims, the DRA controls all aspects of participation in the hajj, including choosing participants. President Rahmon established a Center for Islamic Studies during the year to guide religious policy.

The Government continued to impose limitations on personal conduct and to restrict activities of religious groups that it considered “threats to national security.” A ban on women and girls wearing hijabs in schools and institutions of higher education remained in effect, although implementation of the ban was uneven. Government officials visited mosques on a regular basis to monitor activities, observe those who attended the mosques, and examined audio and video materials for evidence of extremist and antigovernment material. The DRA continued to test imams on their religious knowledge and to ensure they followed official positions on religious issues.

In January the Government put the previously independent Islamic University, the country's only religious institution of higher learning, under the administration of the Ministry of Education. Teachers underwent a vetting process, and the university was downgraded to an “Islamic Institute” (a level below that of university but equivalent to a college). Private religious schools are permitted, but they must register with the Ministry of Culture. There were approximately 19 madrassahs at the secondary school level; the Government closed none of them during the year. Restrictions on home-based Islamic education remained in place.

Government concerns about foreign influence resulted in restrictive measures against minority religious groups. The Government continued its ban on HT, which it classified as an extremist Islamic political movement, and authorities introduced

restrictive measures against another Islamic group, the Salafis. The courts upheld the Government's ban on activities of the Jehovah's Witnesses.

Government printing houses generally did not publish religious literature; however, they did so in special cases such as the printing of the Koran in Arabic script. The Government tightly controlled importation of religious literature. In April the Government refused to allow a shipment of books by a Baptist organization, arguing that the size of the shipment was disproportionate to the organization's membership. The Ministry of Culture banned religious literature from organizations it considered inappropriate; Jehovah's Witnesses' literature was included on the list.

In March the Government registered Asolat, an independent religious newspaper on Islamic law and practice. By September the newspaper's founder located a publishing house that would agree to print the paper.

Missionaries of registered religious groups were not legally restricted and the law permits proselytizing, but in practice there was official interference with proselytizing. Officials, citing public complaints about Christian missionaries, issued warnings and questioned groups that proselytized.

Societal Abuses and Discrimination.—During the year there were no confirmed public anti-Semitic acts, although some imams and mullahs reportedly preached anti-Semitic messages in mosques.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for these rights, although the Government imposed some restrictions.

Foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the MFA. The restriction was not always enforced along the western border with Afghanistan, although a special visa was required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

There are no laws that provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

Persons wishing to emigrate to countries of the former Soviet Union must notify the MOJ prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport.

Most persons who left the country were permitted to return freely. A few individuals active with the opposition who left during the civil war experienced administrative difficulty in obtaining new documents that would permit them to return. The Government provided protection and modest assistance to resettle any citizens who returned voluntarily and cooperated with international organizations that helped fund assistance and resettlement programs.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice there were numerous problems with this system.

According to the State Agency for Social Protection, Employment and Migration, there were 1,764 refugees and 338 asylum seekers in the country, most of them Afghans. In addition to general lack of resources, the Government had to contend with a rise in the number of those claiming to be refugees; the number of new arrivals claiming refugee status was nearly twice the 2007 number.

The Government continued to cooperate with UNHCR, and UNHCR retained its observer status in the Refugee Status Determination Commission. In April the Government supported a visit by Antonio Guterres, the UN High Commissioner for Refugees. During this meeting, UNHCR and the Government issued a joint communique on integrating approximately 1,000 Afghan refugees who had been in the country for many years. While developments were slow, the Government took some steps forward, including the development of an implementation plan and the formation of an interministerial working group.

The Government generally succeeded in registering those with a claim to refugee or asylum status, however, the Government placed significant restrictions on claimants. A law prohibiting asylum seekers and refugees from residing in urban areas remained in effect; those holding refugee status were not entitled to work. Refugees and asylum seekers were generally left to their own devices to secure food and shelter.

There were problems with the status determination process, including lack of transparency. Some decisions to deny refugee status were made without apparent

justification. Although the law stipulates that refugee status should be granted for up to three years (and can then be extended), the Government rarely granted refugee status beyond a one year period. While the law allows refugees to apply for citizenship after 18 months, few were granted citizenship.

Government actions reflected a particular concern about the country's population of Afghan refugees. Granting refugee status for periods shorter than those prescribed by law allowed law enforcement and security officials to regularly monitor, and in some cases, harass, refugee populations. Government officials used administrative violations—such as violating the ban on residing in urban areas—to revoke refugee status from those who otherwise met the definition of a refugee.

The Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, deportation procedures failed to follow the law that allows individuals to appeal within one week of receiving a deportation notice. Prosecutors issued deportation decisions, and these decisions were not subjected to judicial review. For example, in August government officials deported a family of six Afghans despite the fact that the deportation decision had not been delivered to the family prior to the deportation. UNHCR representatives believed that the deportees could have been legitimate refugees.

The Government respected protection letters issued by UNHCR and allowed those holding the letters to remain in the country while UNHCR considered their claims. Government officials cooperated with UNHCR on the case of two Iranian asylum seekers who were originally detained in 2006 for illegally crossing the Tajik-Afghan border. The two claimed they feared extradition and persecution in Iran. The Government rejected their asylum claims but agreed to allow UNHCR to conduct its own status determinations.

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

The law provides citizens with the right to change their government peacefully; however, in practice the Government restricted this right.

The President and his supporters, primarily from his home region of Kulob, continued to dominate the Government. The President's political party, the PDPT, held almost all parliamentary seats and government positions. The President had broad authority to appoint and dismiss officials.

Elections and Political Participation.—After the 2006 Presidential elections, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) determined that Presidential electoral legislation did not provide a framework for democratic elections, that officials exercised excessive control during the campaign period, and that the election was not a true test of democratic principles. Opposition parties, ODIHR, and NGOs generally agreed on the areas that needed reform: increasing accountability for election violations; revising the election law and enacting new legislation; improving electoral administration; establishing an environment considered fair by all for campaigning; and assisting political parties to become more professional.

The Government reported eight legally registered political parties, including the PDPT. Of the seven remaining parties, observers considered only three to be actual opposition parties. Opposition political parties remained small, had limited popular support, and faced close scrutiny by the Government. While they were generally able to operate, they had difficulty obtaining access to state-run media. The chairmen of the SDPT and IRPT alleged that government officials limited their abilities to convene meetings of large numbers of supporters, particularly in areas outside of Dushanbe. The MOJ refused to register a ninth party, the Unity Party.

The law prohibits political parties from receiving support from religious institutions, but religiously affiliated parties, such as the IRPT, could be registered.

The Democratic Party of Tajikistan remained factionalized. Supporters of the party's imprisoned chairman, Mahmadrusi Iskandarov, alleged that the Government assisted in dividing the party, leading to the November 2006 Presidential election.

All senior members of President Rahmon's government were PDPT members; virtually all members of the country's 97-seat parliament were members of the PDPT, or were otherwise considered to be supportive of the Government. The only other parties represented in parliament were the IRPT and the Communist Party. There were 16 women in parliament, and there were five representatives from minorities. Some ministries had female deputy ministers, and ethnic Uzbeks were represented in the Government, although not in direct policymaking roles.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not implement the law effectively.

Officials frequently engaged in corrupt practices with impunity, and corruption and nepotism were pervasive at all levels of government.

The MOI, the MOJ, the Anti-corruption Agency and the Prosecutor General's office are responsible for investigating, arresting, and prosecuting corrupt officials. The Government acknowledged a problem with corruption and took steps to combat it, including trying officials for taking bribes. The Prosecutor General investigated some cases of corruption by government employees, but the bulk of these cases involved mid- or lower-level officials, and none involved large-scale abuses. Many observers accused the Government of using the Anti-corruption Agency to harass or investigate political opponents or business rivals.

Throughout the year the Government faced scrutiny from the international community over apparently deliberate misappropriations involving the International Monetary Fund (IMF). IMF auditors found that the country had misreported its finances and required the country to make early repayment of IMF loans. Despite evidence that the actions were deliberate, no one was prosecuted. Authorities removed one of those responsible, Murodali Alimardon, the National Bank chief, and awarded him the position of Deputy Prime Minister.

Public budgets, particularly those involving major state-owned enterprises, lacked transparency. While the parliament had oversight over the budget, in practice it passed the most recent budget almost without comment despite large unexplained and undefined expenses. For the first time, ministries and state agencies reported to parliament on implementation of the budget, but neither parliament nor the Government released information on the report. It was broadly understood, and privately acknowledged by government officials, that the Government used proceeds from state-owned enterprises for off-budget prestige construction projects.

TALCO, the state-owned aluminum smelter that consumed a significant portion of the country's energy resources and produced the country's major export, agreed to a financial audit. However, the off-shore management company, which reportedly was owned by senior politicians and which received the bulk of the proceeds, did not undergo an audit of its financial arrangements.

The law requires government officials to provide information to journalists upon request. In practice the Government did not permit free access to information, and some officials disregarded the law concerning journalists, as there was no enforcement.

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

Domestic and international human rights groups continued to face government pressure. The Government continued to request sensitive information from NGOs such as employees' personal information, information about students affiliated with the organizations, their activities, and their financial status.

A local NGO investigating property violations reported that government officials refused to provide information about plans to develop Dushanbe, despite the likelihood that such plans would use public funds and involve evictions. The NGO also reported that the same government officials threatened to contact public prosecutors to stop the NGO's inquiries.

The Government continued to deny ICRC access to prison facilities. During the year the Government cooperated with the United Nations and permitted the visit of Yakin Erturk, the UN Special Rapporteur on Violence Against Women.

The Government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints. Staffing inadequacies and uneven cooperation from other government institutions hampered the office's effectiveness. The parliamentary committee on legislation and human rights also monitored human rights violations, but it lacked full independence. The committee's primary responsibility was to vet new proposed legislation for compliance with human rights obligations.

The Government cooperated with international organizations and NGOs in drafting legislation that would establish a human rights commissioner, who would function as an ombudsman. The legislation was passed, but it lacked some basic provisions relating to independence that had been crucial for civil society representatives. A Human Rights Commissioner was not named during the year.

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

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status; however, in practice there was discrimination against women, and trafficking in persons was a problem.

Women.—Violence against women, including spousal abuse, remained a widespread problem. Women faced societal discrimination based on alleged traditions, di-

minished educational opportunities, and increased poverty. The law provides women equal pay for equal work with men, but it was not always enforced in practice. NGO representatives claimed that the Committee for Women's Affairs (within the office of the President) was not effective in coordinating public policy.

Most cases of domestic abuse went unreported, making the number of actual cases difficult to estimate. Reported cases were seldom investigated, and few alleged perpetrators were prosecuted. The Government had not taken adequate steps to provide for the passage of a law on domestic violence, to conduct public information campaigns, or to collect information on domestic violence or the needs of victims.

The media reported that in some rural areas, officials observed an increase in female suicide. NGO workers suggested that domestic abuse by in-laws or husbands and labor migration may be contributing causes.

The law prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years' imprisonment. Most observers believed that the majority of cases were unreported and that the problem was growing, particularly in urban areas. In addition, family members and acquaintances often used threats of rape to intimidate women. There were no official statistics on the number of rapists charged, prosecuted, or convicted.

Several domestic and international NGOs supported women's resource centers to assist rape and spousal abuse victims. Government funding was extremely limited.

Prostitution is illegal, although in practice apprehended prostitutes were assessed a nominal fine and released. Procurers were prosecuted.

The law prohibits sexual harassment with penalties of up to two years' imprisonment. In practice women were often sexually harassed or had to perform sexual acts in order to get a job or maintain one. Cases often went unreported because of the social stigma attached to victims.

In 2004 the country's highest Islamic body, the Council of Ulamo, issued a fatwa that prohibited women from praying in mosques. The Government supported the fatwa but expressed concern over the separation of church and state. The IRPT continued to operate two "Friday praying" mosques that permitted women.

The law protects women's rights in marriage and family matters; however, some female minors were pressured to marry men against their will, and high incidences of polygamy, although illegal, were reported. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons.

Children.—While the Government sought to promote children's rights and welfare, in practice it did not devote adequate financial resources to maintain the social security network for child welfare. The lack of resources contributed to a deterioration of the public school system and the medical infrastructure available to children.

Free and universal public education is compulsory until age 16. However, the law was not enforced and school attendance was low; children worked in the home or in informal activities to supplement family income. Girls were disadvantaged, especially in rural school systems, where families elected to keep them home to help take care of siblings or work in the fields. With the decline of the country's underfunded public schools, a small number of poor male students were recruited and sent to Egypt, Turkey, Saudi Arabia, and Pakistan to receive a free Islamic education.

There is no formal government body to address issues of violence against children. In 2007 the Bureau on Human Rights and Rule of Law, a local NGO, reported that 2,378 acts of violence had been committed against children. Advocates were concerned that many acts of violence were unreported.

Underage marriage was widespread in some rural areas, a practice influenced by the high level of poverty and unemployment that compelled many families to marry off their daughters quickly.

Trafficking in Persons.—The country was a source for trafficked persons. The law prohibits trafficking in persons; however, trafficking of women and children for sexual exploitation and the trafficking of men for forced labor was a serious problem. Boys and girls were trafficked internally for various purposes, including forced labor and begging.

Women and girls were trafficked through Kyrgyzstan and Russia primarily to the U.A.E. and Russia for the purpose of commercial sexual exploitation. Most female trafficking victims were single and between the ages of 20 and 26. Men and boys were trafficked to Russia and Kazakhstan for the purpose of labor exploitation, primarily in the construction and agricultural industries. Residents from rural, uneducated, and poor communities were particularly vulnerable.

Authorities and NGOs maintain statistics on trafficking cases, but such statistics were estimates and could not be considered comprehensive. The International Orga-

nization for Migration (IOM) reported assisting 46 trafficking victims during the year. Upon return they were provided with medical assistance, training, and other types of support. The authorities had no statistics on labor trafficking. NGO representatives said that a significant percentage, possibly more than 50 percent, of the country's estimated 1 million labor migrants were subjected to some form of exploitation that would meet the definition of trafficking.

Recruiters offered victims false promises of employment, advertising work through social contacts. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes used forged documents to evade entry restrictions in destination countries. Victims commonly were separated from their travel documents upon arrival in the destination country. Debt bondage was a common form of control.

The law criminalizes trafficking in persons with penalties of imprisonment ranging from five to 15 years; however, prosecutors had not successfully prosecuted anyone under the trafficking statute. Prosecutors secured convictions pursuant to other criminal provisions, such as recruitment of persons for exploitation, buying and selling of minors, and document fraud. Penalties under these provisions range from a monetary fine to 15 years' imprisonment. Victims of forced prostitution and labor trafficking cannot be charged for crimes committed while they were victims.

The MOI is responsible for trafficking investigations and arrests, the General Prosecutor's Office is responsible for prosecuting and sentencing convicted traffickers, and the Ministry of Foreign Affairs (MFA) is responsible for trafficking-related repatriation and extradition matters. The Interministerial Commission to Combat Trafficking (ICCT), established within the President's executive office, coordinates antitrafficking efforts and implements the National Government Action Plan on Human Trafficking for 2006–10. The Government generally worked openly and cooperatively with the international community and the IOM to combat trafficking.

There was no indication of widespread government involvement in trafficking. However, corruption was endemic, and reports indicated that mid- and low-level government authorities working in customs, border control, immigration, police, and tourism accepted bribes from traffickers. Credible sources alleged that certain government officials acted as patrons or protectors of individuals who were directly involved in trafficking. Traffickers used their contacts in government agencies to obtain false documents.

According to the Prosecutor General's Office, the MOI, and the ICCT mission, fewer persons were arrested, prosecuted and convicted in 2007 than in previous years; 10 of 12 persons arrested for trafficking related offenses were released under a Presidential amnesty that year. The commission reported that arrests and prosecutions increased slightly during the year, although the authorities did not prosecute any government officials on trafficking-related charges. The Government took some positive steps, however. Prosecutors opened the country's first criminal cases against persons suspected of engaging in labor trafficking. Law enforcement officials have sought to increase cooperation with governments in destination countries, particularly the U.A.E. The authorities instituted new monitoring and licensing requirements for private travel companies.

There were few resources available to trafficking victims. The Government officially provided security and assistance to trafficking victims and endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims. The Government with the help of IOM established two shelters for female trafficking victims. Victims often did not press charges against traffickers due to social stigma.

There were approximately 20 NGOs involved in antitrafficking activities throughout the country. Several provided various services to trafficking victims and carried out a wide range of information programs in conjunction with local. NGOs matched victims with social services, operated crisis centers, and maintained a hot line for trafficking and domestic abuse victims.

Local NGO programs worked with support from international organizations to increase awareness of trafficking; NGOs worked with local officials to conduct training and awareness seminars for the general public, and the Government cooperated with NGOs to raise public awareness of trafficking. The Government issued press releases warning about the dangers of trafficking and produced television programs to educate the public. It also promoted announcements as well as informational materials produced and distributed by local and international organizations. The Government also cooperated with international organizations on prevention programs by holding joint seminars, conferences, and distributing antitrafficking brochures. The Government operated a 24-hour telephone hot line.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The Ministry of Labor and Social Welfare, the Government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and appropriate local and regional governmental structures were charged with protecting the rights of persons with disabilities.

The law prohibits discrimination in employment, education, access to health care, and provision of other state services. However, public and private institutions generally did not have the resources to provide for legal safeguards. There is no law mandating access to buildings for persons with disabilities, and the Government did not require employers to provide such access.

Although the Government maintained group-living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

National/Racial/Ethnic Minorities.—Generally, discrimination was not a significant problem. There were reports that some law enforcement officials harassed ethnic Afghans and Uzbeks, but such reports were not common.

There was a stigma associated with homosexuality that made it difficult to assess the degree of discrimination to which persons were subjected. There was generally no public discussion of homosexuality.

There was also a stigma associated with HIV infection. There were reports that doctors denied some HIV positive patients treatment at medical facilities.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions, and they did so in practice. However, the Government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the Government compelled some citizens to join trade unions and impeded formation of independent unions. According to official figures 1.3 million persons belonged to unions, approximately 63 percent of the active work force. The law requires all NGOs, including trade unions, to be registered in order to operate. The law does not specifically prohibit antiunion discrimination; however, there were no reported incidents of antiunion discrimination in practice.

Citizens were reluctant to strike due to fears of government retaliation.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct activities without interference, except "in cases specified by law"; however, the law does not actually specify those cases. The Law on Meetings, which requires that meetings and other mass actions have prior official authorization, limited trade unions' ability to organize meetings or demonstrations. The laws provide for the right to organize and bargain collectively, and workers exercised this right in practice. Collective bargaining contracts covered 90 percent of workers. The law does not restrict the right to strike, but under the Law on Meetings, mass action must have prior approval from the authorities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children, except in cases defined in the law; however, there were reports that such practices occurred.

In 2006 President Rahmon issued a decree against compelling students to participate in the annual cotton harvest. However, as in previous years, local government officials mobilized and forced university students, university employees, and government employees in Sughd and Khatlon regions to pick cotton during the annual harvest. There were confirmed reports in at least one region that government-paid university administrators and professors oversaw the organization and transportation of students, and professors accompanied the students to oversee the cotton picking. University faculties in Khatlon and Sughd regions shut down to accommodate the students' participation. Work conditions were generally poor. Many school-aged children, particularly those between 14 and 17, participated in the cotton harvest in rural areas in Sughd and Khatlon. It was unclear whether they were forced or pressured into participating, although they were often supervised by teachers.

Despite evidence to the contrary, the authorities continued to deny official involvement in forced labor. In order to support such claims, some officials forced students to sign documents stating that they willingly participated in the cotton harvest. The government-including representatives of the Ministry for Labor and Social Welfare—did not deploy inspectors to investigate the situation or hold those responsible for illegal labor practices accountable. In December, however, Khatlon prosecutors an-

nounced that they had filed charges against local officials in Shahritus and Kubodiyon for using school-aged children in the cotton campaign.

Despite a Presidential “Freedom to Farm” pronouncement, which aimed to reform the country’s agricultural sector, local strongmen in some districts forced farmers to grow and pick cotton. In a district in Khatlon, a farm manager reportedly refused to recognize farmers’ land use rights; used local police officials to enforce his control over the farmers; beat those who refused to work in accordance with his orders; and extorted money from farmers. The victims of this manager felt they had no legal recourse, as the manager was able to influence local law enforcement and judicial officials.

d. Prohibition of Child Labor and Minimum Age for Employment.—UNICEF reported that the percentage of children working declined from 25 percent in 2000 to 10 percent in 2005. Nevertheless, child labor remained a widespread problem, and the Government neither effectively enforced child labor laws nor developed a comprehensive policy to prevent or eliminate the worst forms of child labor.

The minimum age for children to work is 16, although children may work at age 15 with local trade union permission. By law children under the age of 18 may work no more than six hours a day and 36 hours per week. Children as young as seven years may participate in household labor and agricultural work, which were separately classified as family assistance. Many children under age 10 worked in bazaars or sold goods on the street.

Enforcement of child labor laws is the responsibility of the Prosecutor’s Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices. Additionally, unions are responsible for reporting any violations in the employment of minors. Unresolved cases between unions and employers may be brought before the prosecutor general for investigation. Very few violations were reported, as most children worked under the family assistance exception. UNICEF estimated that approximately 200,000 children between the ages of five and 14 were in the labor force. The highest incidences of child labor were in the domestic or agricultural sectors. Children were often found working in bazaars.

e. Acceptable Conditions of Work.—Government officials reported that the unemployment rate during the year was 2.4 percent, although this did not accurately reflect the employment situation. A significant percentage of the country’s working-age population (as many as one million citizens) sought seasonal or permanent work abroad, especially in Russia and Kazakhstan.

The estimated average monthly wage was 267.50 somoni (approximately \$77), but in many sectors, average wages fell far below this average. In the agricultural sector, for example, the average wage was estimated at 118 somoni (\$34). There was no agreed-upon measure of cost of living standards, but the World Bank estimated that 53 percent of the population lived below the poverty line, and that 17 percent lived in extreme poverty. While statistical measures varied, the poverty line was estimated to be 139 somoni (\$40) per month, based on a 2007 survey conducted jointly by the Government, the World Bank, and UNICEF. The extreme poverty line was estimated to be 89 somoni (\$25) per month. The Government acknowledged the problem of low wages and provided certain subsidies for workers and their families who earned the minimum wage, which was 60 somoni (\$17) per month. Some establishments compensated their employees with food commodities or with enterprise-produced products, which employees either sold or bartered in local private markets.

The law provides for a standard workweek of 40 hours for adults over the age of 18. The law mandates overtime payment, with the first two hours paid at one and half times the normal rate and the remainder at double the rate. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the Presidential administration oversees other aspects of the law.

There are laws that establish relatively strict occupational health and safety standards. In practice the Government did not broadly provide compliance with these standards, partly because of the degree of corruption and the low salaries paid to inspectors. The State Technical Supervision Committee under the Council of Ministers was responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and few workers did so in practice.

Farmers and agricultural workers, accounting for approximately 66 percent of the workforce, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural sector. Wages were low, and many workers were paid in kind. Despite some changes, the Government’s fail-

ure to introduce and implement comprehensive property and land usage reforms continued to limit its ability to protect agricultural workers' rights.

TURKMENISTAN

Although the constitution declares the country to be a secular democracy and Presidential republic, it is an authoritarian state of approximately five million that was dominated by President-for-life Saparmyrat Niyazov until his death in December 2006. The Halk Maslahaty (People's Council) selected six candidates for the February 2007 Presidential election, all from the Democratic Party, the country's only political party. Gurbanguly Berdimuhamedov won in an election that did not meet international standards. December 14 parliamentary elections fell short of international standards. Civilian authorities generally maintained effective control of the security forces.

Although there were modest improvements, the Government continued to commit serious abuses, and its human rights record remained poor. Authorities continued to restrict severely political and civil liberties. Human rights problems included citizens' inability to change their government; torture and mistreatment of detainees; incommunicado and prolonged detention; arbitrary arrest and detention; house arrest; denial of due process and fair trial; arbitrary interference with privacy, home, and correspondence; restrictions on freedom of speech, press, assembly, and association; restrictions on religious freedom, including continued harassment of some religious minority group members; restrictions on freedom of movement for some citizens; violence against women; and restrictions on free association of workers. Documentation of abuses remained very limited.

The Government revised the constitution and the election law. Other measured improvements in human rights included registration of the first community-based nongovernmental organization (NGO) in three years, reinstatement of graduate and postgraduate educational programs, and continued de-emphasis of former President Niyazov's Ruhnama in the education system and in society.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reliable reports during the year that the Government or its agents committed any politically motivated killings. In 2007 there were several reports of citizens dying under suspicious circumstances during detention.

In 2007 a family member of an allegedly drunk suspect who died in police custody in Mary Province claimed there was evidence of physical abuse on the corpse. In June 2007 a person died in an Ashgabat detention center while awaiting an appeal decision. Although there was no evidence of mistreatment, his wife claimed the court knew he had a serious medical condition but denied him medical treatment.

Human rights observers reported that in 2006, just after the death of former President Niyazov, prison guards used military force to suppress a riot and killed 23 prisoners at Ovadan-Depe.

There were no developments in the 2006 suspicious death in custody of journalist Ogulsapar Myradova. The Government did not carry out a transparent investigation into the causes of Myradova's death, as the international community had urged it to do.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, security officials trying to extract confessions from detainees tortured, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the Government. There were reports of individuals convicted of complicity in the 2002 attack on the former President's motorcade being tortured, although there was also one report that this torture ceased following Niyazov's death.

An October decision the European Court of Human Rights (ECHR) stated that "any criminal suspect held in custody ran a serious risk of being subjected to torture or inhuman or degrading treatment." The ECHR also reported that the country lacked an effective system of torture prevention.

The Turkmenistan Helsinki Foundation claimed the Government tortured Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyevev during detention in 2006 to extract confessions. All three were subsequently sentenced to

prison. Myradova died in September 2006 in prison; Amanklichev and Hajiyeve remained in prison at year's end.

Authorities continued to detain persons in psychiatric hospitals as punishment. On June 22, law enforcement officials came to Radio Free Europe/Radio Liberty (RFE/RL) correspondent Sazak Durdymuradov's home in Bakharden, detained him, and later transferred him to a psychiatric hospital in Lebap. After several weeks and under international pressure, authorities released him. When Durdymuradov was released in July, he told Forum18 representatives that a devout Muslim prayer leader named Nurmamed Agayev, who had been arrested in 2006, was incarcerated in the same hospital.

In July 2007 police arrested a member of Jehovah's Witnesses for refusing military service and detained him in a psychiatric hospital. Authorities released him four weeks later after international organizations and the diplomatic community expressed interest in his case.

Although there were no known reports during the year of specific hazing incidents, according to the Memorial Human Rights Center and the Institute for War and Peace Reporting, hazing of military conscripts remained a problem and led to desertions from units where conditions were particularly difficult. According to a 2006 report from the Institute for War and Peace Reporting, corruption within the defense ministry and draft commissions, tribal- and ethnicity-based rivalries, and disregard for the rights of soldiers led to an increasing number of deaths caused by brutal treatment soldiers meted out to fellow conscripts. Regular military units continued to be used as unpaid manual labor working in fields, hospitals, factories, and construction.

Prison and Detention Center Conditions.—Prison conditions were poor; prisons were unsanitary, overcrowded, unsafe, and life threatening. Disease, particularly tuberculosis (TB), was rampant. There continued to be concerns that the Government did not adequately test and treat prisoners with TB before they were released into the general population, although the Government reportedly screened prisoners for TB, among other diseases, and transferred prisoners diagnosed with TB to a special Ministry of Interior hospital in Mary Province for treatment. Nutrition was poor, and prisoners depended on relatives to supplement inadequate food supplies. There were also reports that prison officials sometimes confiscated these food parcels.

Although prisoners convicted for treason were unable to receive supplies from relatives, there was one 2007 report that individuals convicted of complicity in the 2002 attack were given supplemental food packages for the first time since they were imprisoned.

In 2007 family members and international NGOs claimed some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from summer heat.

Sources familiar with prison conditions at Owadan Depe Prison reported that former high-level officials continued to be denied proper medical treatment and suffered beatings and verbal intimidation to coerce confessions.

On February 21, authorities arrested computer network specialist Valeri Pal in Turkmenbashi for stealing government property in 2004. On May 14, after a closed trial at the oil refinery where he worked, authorities sentenced him to 12 years in prison. His family reported that he was imprisoned in Mary and had been in the prison hospital there since July due to serious health problems. On December 5, a Presidential decree pardoned 400 prisoners, including Pal, in honor of Neutrality Day.

There are three types of incarceration facilities: educational labor colonies, correctional labor colonies, and prisons. In the correctional labor colonies, relatives of prisoners reported excessive periods of prisoner isolation. There were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya Prison, near Dashoguz.

Authorities held prisoners connected with the 2002 attack separately at the Owadan Depe Prison. Government officials refused to respond to inquiries from family members and diplomats about political prisoners' location or condition. Government officials also refused to permit family members, foreign diplomats, or international observers, including the International Committee of the Red Cross (ICRC), access to detainees or prisoners associated with the 2002 attack. During the year the ICRC did not conduct any prison visits due to unacceptable government limitations on visiting certain types of prisons and prisoners. Family members reported that the Government also held political prisoners in facilities near Turkmenbashi and in Mary.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, they remained serious problems.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs directs the criminal police, who work closely with the Ministry of National Security (MNB) on matters of national security. The MNB controls personnel changes in other ministries and enforces Presidential decrees. Both the MNB and criminal police operated with impunity. Corruption existed in the security forces.

In February 2007 President Berdimuhamedov created a Presidential commission led by the chairman of the Supreme Court to review citizens' complaints of abuse by law enforcement agencies including unfair treatment, efforts to extract bribes, and unjustified arrests and prosecutions. Since the commission's creation, however, there have been no known cases in which the commission investigated allegations of abuse and held members of the security forces accountable. In 2007 the commission reviewed only three cases that led to further review by the Supreme Court and reductions of sentence. In July 2007 the President publicly fired and later arrested the chairman of the Supreme Court, in part for his failure to ensure that cases coming from the commission were properly reviewed. In October 2007 the President fired the minister of internal affairs, reportedly because of an alleged doubling of cases involving ministry corruption and abuse under review by the commission.

Arrest and Detention.—A warrant was not required for arrest. The chairman of the cabinet of ministers, a position held by the President, had sole authority for approving arrest warrants.

There was no bail system. Detainees were entitled to immediate access to an attorney after a bill of indictment was issued, and they were able to choose their counsel. However, in practice they did not have prompt or regular access to legal counsel. In some cases legal counsel ceased advising their clients after government officials altered the charges or case details initially provided to defendants. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of imprisoned relatives. Incommunicado detention was a problem. Authorities could detain individuals for 72 hours without a formal arrest warrant but legally had to issue a formal bill of indictment within 10 days of arrest to hold detainees longer. However, authorities did not adhere to these provisions in practice.

The law characterizes any opposition to the Government as an act of treason. Those convicted of treason faced life imprisonment and were ineligible for amnesty or reduction of sentence. However, there were no known treason convictions. Rather, the Government arrested those expressing critical or differing views on economic or criminal charges.

Pretrial detention could legally last no longer than two months but in exceptional cases could be extended to one year. In practice pretrial detentions averaged two to three months; authorities often exceeded legal limits. Chronic corruption and cumbersome bureaucratic processes contributed to lengthy trial delays.

The Government used house arrest without due process to control regime opponents. At year's end the status was unknown of individuals previously placed under house arrest, including NGO leaders, relatives of those suspected of involvement in the 2002 attack, and some of the 100 individuals prevented from meeting with the Organization for Security and Cooperation in Europe (OSCE) in 2003.

Amnesty.—On February 19, the Government pardoned 1,269 prisoners in honor of Flag Day. On May 9, 908 prisoners were pardoned in honor of Victory Day. On September 27, the President pardoned 1,670 prisoners in advance of the Night of Omnipotence holiday. On December 5, the President pardoned 400 prisoners in honor of Neutrality Day. No prisoners of international concern or associated with the 2002 attack on the former President's motorcade were released. Former security service chief Saparmurat Seidov was released from prison on October 26, having served a six-year term for his alleged role in the 2002 attack.

In August 2007 President Berdimuhamedov pardoned 11 prisoners, including Muslim cleric and former grand mufti Nasrullah ibn Ibadullah and former Justice Minister Yusup Khaitiev, who were jailed for their alleged role in the 2002 attack. After the pardon the Government appointed Ibadullah an advisor to the country's Council on Religious Affairs (CRA).

It was unknown whether amnestied prisoners still had to swear an oath of allegiance to the Ruhnama, former President Niyazov's spiritual guidebook on the country's culture and heritage. Human Rights Watch (HRW) reported, "The August 2007 Presidential pardon of 11 persons was a welcome step, although their public statements recognizing their guilt must be assumed to have been a condition for their release."

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice the judiciary was subordinate to the President. There was no legislative review of the President's judicial appointments and dismissals, except for

the chairman (chief justice) of the Supreme Court, whom parliament nominally reviewed. The President had sole authority to dismiss all judges before the completion of their terms. The judiciary was widely reputed to be both corrupt and inefficient.

The court system consists of a Supreme Court, six provincial courts (including one for Ashgabat), and 64 district and city courts. Civilian courts, under the authority of the Office of the Prosecutor General, tried criminal offenses committed by members of the armed forces.

Trial Procedures.—The law provides due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney or a court-appointed lawyer if the defendant cannot afford one, and the right to represent oneself in court. In practice authorities often denied these rights. Defendants frequently did not enjoy a presumption of innocence. There was no jury system. The Government permitted foreign observers to attend most nonpolitical trials but closed some trials, especially those it considered politically sensitive. There were few independent lawyers available to represent defendants. The courts at times did not allow defendants to confront or question witnesses against them and denied defendants and their attorneys access to government evidence. In some cases courts refused to accept exculpatory evidence provided by defense attorneys, even if that evidence would have changed the outcome of the trial. Even if the courts observed due process rights, the authority of the Government prosecutor far exceeded that of the defense attorney, making it difficult for the defendant to receive a fair trial. Court transcripts were frequently flawed or incomplete, especially when defendants' testimony had to be translated from Russian to Turkmen. Defendants could appeal lower courts' decisions and petition the President for clemency. In most cases courts ignored allegations of torture that defendants raised in trial.

There were regular reports that police arrested individuals and requested they pay fines for breaking specific laws. However, when citizens asked to see the law, government officials refused or stated the laws were secret.

Political Prisoners and Detainees.—The Government held at least one political prisoner, Mukhametkuli Aimuradov, imprisoned since 1995.

On June 24, authorities arrested former civil activist and former political prisoner Gulgeldy Annaniyazov after he re-entered the country. Annaniyazov received asylum in Norway in 2002 after serving five years in a Turkmenbashi prison for his role in a 1995 political demonstration. In July he was sentenced in a closed court trial to 11 years in prison, but at year's end no further information about his case was available.

In 2006 authorities charged three journalists Ogulsapar Myradova, Annakurban Amanklichev, and Sapardurdy Hajiyevev with weapons possession after they received journalism equipment from foreign sources. They were sentenced in a closed trial to six to seven years' imprisonment. RFE/RL, the Turkmenistan Helsinki Foundation, and several other human rights organizations claimed they were charged with criminal activities to block their reporting. There was no further information regarding the Government's investigation of Amanklichev and Hajiyevev on additional charges of espionage and treason, and they remained in jail. Myradova died in police custody under suspicious circumstances.

Opposition groups and some international organizations claimed the Government held many political prisoners and detainees, although the precise number of these individuals—including those convicted of involvement in the 2002 attack—remained unknown. There were reports that the Government held approximately 360 individuals in Owadan Depe prison for their perceived political opinions and alleged involvement in the 2002 attack. Human rights observers considered conditions at Owadan Depe Prison among the worst in the country, and there were reports that prison officials subjected prisoners to torture and abuse.

In 2007 there were reports that some prisoners accused of economic crimes, including a number of former senior government ministers, may have been moved from Owadan Depe Prison to Mary Prison. Government officials refused to respond to inquiries from family members and diplomats about many prisoners' location or condition. Government officials also refused to permit family members, foreign diplomats, or international observers, including the ICRC, access to detainees or prisoners associated with the 2002 attack.

Civil Judicial Procedures and Remedies.—The civil judiciary system was not independent or impartial; the President appointed all judges. There were instances of police investigations that went to court in which plaintiffs could sue defendants. In theory the civil court system functions, but there were reports of bribes to ensure a positive outcome. In cases in which the state had interests regarding an individual

citizen, it enforced domestic court orders. The most commonly enforced court orders were eviction notices.

Property Restitution.—The Government failed to enforce the law consistently with respect to restitution or compensation for confiscation of private property. In February 2007 President Berdimuhamedov announced there would be no housing demolition unless replacement housing was available. However, during the year there were reports that the Government demolished some private homes as part of an urban renewal program in and around Ashgabat without adequate compensation to the owners.

In some 2006 cases, the Government required evicted families to pay for removal of the rubble of their destroyed homes, gave persons as little as 48 hours to vacate, and did not provide homeowners with alternative accommodations or compensation. Others were given two weeks' notice to vacate and were offered apartments or plots of land in compensation on undeveloped or nonirrigated plots, resulting in the loss of livelihood for some.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, authorities frequently did not respect these prohibitions in practice. Authorities in some cases forcibly searched the homes of suspected regime opponents and some minority religious group members without independent judicial authorization. The law does not regulate surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the Government, and foreigners. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and informers. The Government reportedly intercepted surface mail before delivery, and letter packets and parcels taken to the post office had to remain unsealed for inspection.

A noncitizen may marry a citizen only after one year's residency in the country. There were reports of a small number of such marriages.

Individuals who were harassed, detained, or arrested by authorities continued to report that their family members were often fired from their jobs, expelled from schools, or detained and interrogated.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, but the Government did not respect these rights in practice. There were no specific reports of persons expressing dissenting views being arrested on false charges of committing common crimes and in some cases being subjected to abuse, harassment, and deprivation, including loss of opportunities for advancement and employment. However, there were reports that law enforcement officials harassed and detained Turkmen journalists working for foreign media outlets, most notably several who worked for RFE/RL.

Almost all print media were government financed. Except for the private but government-sanctioned Turkish newspaper Zaman, which reflected the views of the state newspapers, the Government imposed significant restrictions on the importation of foreign newspapers.

The Government controlled radio and local television, but use of satellite dishes providing access to foreign television programming was widespread throughout the country. Citizens also received international radio programs through satellite television access.

During the year government agents reportedly detained, harassed, and intimidated journalists and their families. Journalists working for RFE/RL, in particular, reported frequent harassment by government authorities.

In January authorities interrogated RFE/RL correspondent Soltan Achilova for two days, accusing her of producing reports critical of national policy. They released her after she signed an agreement to stop working for RFE/RL until she had formal press accreditation.

In late April a Molotov cocktail struck the house of RFE/RL reporter Gurbandurdy Durdykulyev in Balkanabat. Three of the outer walls were painted with obscene graffiti, including the word "traitor," paint was poured on his car, and human feces were smeared on his front door.

In late April security officials sought to disrupt the wedding of a family member of an RFE/RL reporter by harassing the prospective bride, pressuring several subsequent restaurant managers to cancel the wedding reservation, and later turning off the electricity at the final wedding venue.

In July RFE/RL reporter Osman Halliyev reported that security authorities pressured administrators at the Azadi Foreign Language Institute to expel his son because Halliyev refused to stop working for RFE/RL.

Harassment of RFE/RL reporter Halmyrat Gylychdurdyev continued on and off throughout the year. Government harassment because of his reporting had initially eased up and then increased in frequency in 2007. Authorities intermittently monitored his activities, harassed his family, and periodically disconnected his mobile telephone service. In 2006 authorities routinely harassed him and his family for his earlier economic articles unfavorable to the Government.

During the year the Government barred four RFE/RL reporters from travel abroad. The OSCE reported that the Government did not allow a journalist to travel abroad in 2007.

The former editor in chief of the state newspaper *Esger* remained in jail on a 17-year sentence for unspecified crimes.

During the year state journalists still needed to get permission to cover specific events. They were also required to seek approval to publish or air the subject matter they had covered.

Domestic journalists and foreign news correspondents engaged in self-censorship due to fear of government reprisal. The Government continued to censor newspapers. The Government continued to prohibit reporting opposing political views or any criticism of the President.

The Government continued to keep Russian government-supported, Russian-language Radio Mayak transmissions off the air.

To regulate domestic printing and copying activities, the Government required all publishing houses and printing and photocopying establishments to obtain registration licenses for their equipment. The Government required the registration of all photocopyers and mandated that a single individual be responsible for all photocopying. The Government owned all publishing companies. Works on topics that were out of favor with the Government, including fiction, were not published.

The Government continued its ban on subscription to foreign periodicals for non-government entities, although copies of the Russian newspaper *Argumenti i Fakty* and other nonpolitical periodicals appeared occasionally in the bazaars. In June the Government began permitting government agencies and institutions to acquire subscriptions to foreign academic and scientific periodicals.

There was no independent oversight of press accreditation, no defined criteria for allocating press cards, no guarantee of receiving accreditation when space was available, and no prohibition on withdrawing accreditation for political reasons. The Government required all foreign correspondents to apply for accreditation. Journalists from outside the country were granted visas only to cover specific events such as international conferences and summit meetings, where their activities could be monitored. Authorities denied some journalists accreditation, although at least five journalists representing foreign media organizations were accredited. Turkish news services had eight correspondents in the country, at least two of which were reportedly accredited. As many as 13 correspondents representing foreign media services operated without accreditation.

Internet Freedom.—Internet access increased modestly, although government-owned Turkmen Telecom remained the main provider to the general population, and administrative requirements for getting connected, including a signature from the local police station, continued to impede access. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive Web sites. During the year Turkmen Telecom continued to issue new Internet accounts to businesses and organizations and, in June, reportedly began issuing new accounts to private individuals for the first time in years. Turkmen Telecom rates for dial-up access remained very expensive for the average citizen. The initial connection cost was 600,000 manats (approximately \$42), with a monthly subscription fee of 200,000 manats (approximately \$14), in addition to a 12,000 manat (approximately \$.80) per hour usage fee. Private citizens reported in November that often they could not get on line with their new accounts because of competition for limited bandwidth. As of November, 2,000 households remained on a waiting list for Internet access via Turkmen Telecom.

There were approximately 15 state-owned Internet cafes nationwide, in addition to NGO-sponsored facilities, private businesses, and business centers that were granted access to the Internet. Although the Government reduced Internet cafe fees to approximately 30,000 manats (approximately \$2) per hour in April, it remained prohibitively expensive for the average citizen. Access to specific Web sites remained inconsistent. In March the Government allowed Russian cellular telephone provider MTS to begin providing mobile Internet service to its business customers, including citizens. In June MTS was able to offer this service to all of its customers, more than 800,000 subscribers by year's end.

Academic Freedom and Cultural Events.—On January 15, the Government formally reinstated graduate and postgraduate study programs in the country's higher educational institutions for the first time since 1998. However, only one or two graduate students were admitted to each higher educational institution, totaling approximately 80 students. No formal classes or courses were offered at the graduate level. Instead, the main focus was research.

The Government still did not recognize academic degrees received abroad, and only government-selected students were allowed to participate in intergovernmentally approved exchange programs. The Ministry of Education did not recognize degrees from nonstate institutions of higher education in former Soviet Union countries. It did, however, recognize degrees obtained abroad through intergovernmentally approved education programs. Most exchanges at the university level are prohibited by the Law on Education. The Ministry of Education took no steps to act on the President's 2007 request that the ministry facilitate recognition of foreign degrees. Furthermore, the Government did not introduce its own sponsored scholarship program for study abroad, despite the President's promises to do so and the efforts of the international community.

The Government did not tolerate criticism of government policy or the President in academic circles and curtailed research into areas it considered politically sensitive, such as comparative law, history, ethnic relations, or theology. University enrollment totaled approximately 4,000 students at all higher educational institutions, compared with 3,615 students in 2007.

Officials from the Ministry of Education and provincial authorities sought to prevent students who were not ethnically Turkmen from entering exchange programs.

Niyazov's *Ruhnama*, *Ruhnama II*, poetry volumes, *The Spring of My Inspiration*, and *My Beloved* remained part of the school curriculum, and passing tests on knowledge of the *Ruhnama* was still necessary for advancement, graduation, or admission to higher educational institutions, even to Russian universities. However, teachers reported having to spend substantially less class time on former President Niyazov's works than in the past, as the revamped curriculum introduced new subjects and an expanded and more fact-based study of local history and culture. At the beginning of the school year, *Ruhnama* studies as a separate course was discontinued, and began to be taught instead as a part of a new discipline, which included *Ruhnama*; the country's history, philosophy, sociology, political science, and economic theory; and President Berdimuhamedov's book *Epoch of New Revival*.

Most secondary school textbooks were revised during the year to remove all text devoted to Niyazov and his family. New text devoted to the "New Era" ideology replaced it. The compulsory *Ruhnama* corner at pre-schools, schools, and universities was turned into a Berdimuhamedov corner centered on his "Era of Great Revival" writings. After long requiring traditional dress uniforms for all students, schools announced more conservative dress codes for female faculty. The new requirements include wearing one-color national dress with traditional embroidery and not wearing jewelry or makeup. Enforcement was uneven.

Although restrictions eased somewhat, the Government continued to control attendance at nonindigenous cultural events and refused to permit the production of some foreign plays and performances in state theaters. The Government demonstrated little or no support for non-Turkmen music, but classical music was taught and performed throughout the country. The previously banned government-supported symphony orchestra was reestablished at the National Cultural Center and began monthly concerts of Turkmen and world classical music. The President decreed that the circus reopen, and the first opera performance took place in June.

Traditional local music, which had not been performed for years, was played in concerts and social events. Pirated copies of international films were available for sale or rent for home viewing and were shown on television. Several ministries, including the Ministry of Culture, hosted a large number of international festivals of music, theater, and films, exposing national audiences to artistic work from abroad. Although these events facilitated greater contact of local specialists with colleagues from abroad, the interaction was still somewhat censored and limited. The Ministry of Culture censored and then monitored all public exhibitions-music, art, and cultural.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, but the Government restricted this right in practice. Authorities neither granted the required permits for any public meetings and demonstrations during the year, nor did they allow unregistered organizations, particularly those perceived to have political agendas, to hold demonstrations.

Freedom of Association.—Although the constitution and law provide for freedom of association, the Government restricted this right in practice. The law requires all NGOs to register with the Ministry of Justice (MOJ) and all foreign assistance to be registered with the Ministry of Economics and Development and the MOJ, and coordinated through the Ministry of Foreign Affairs. Unregistered NGO activity is punishable by fines, short-term detention, and confiscation of property. The Government routinely continued to deny registration to NGOs and other private organizations using subjective criteria.

In July the Government reported it had registered 11 new civic organizations, including the groups that had been denied registration in 2007. These were the first civic organizations the Government formally registered since 2005. Although 10 of the 11 newly registered groups were reported to be affiliated with the Government, the first community-based NGO in the country, the Ak Bugday Gardener's Association, was also registered. The Government deregistered 11 NGOs during the year as well.

Of the 89 registered NGOs, international organizations considered seven to be independent. The Government continued to present numerous administrative obstacles to those that attempted to register. Although some groups reported good cooperation with the MOJ in the registration process, other NGOs reported frequent difficulties, such as applications returned on technical grounds. Some groups found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other registered groups. Other groups awaiting registration temporarily suspended or limited their activities.

During the year authorities in Lebap Province advised two community groups against cooperation with an international NGO. Local security authorities in Dashoguz Province advised a community activist not to accept grants from international organizations.

Security service officials harassed NGOs and their local partners throughout 2007. In April and May 2007 authorities closed several information and resource centers in the central Ahal region that an international NGO operated; one was later allowed to reopen. Authorities terminated cooperation between an NGO and local community groups twice in 2007. Also in April and May 2007 authorities advised two community groups against cooperation with an NGO, and in one case terminated training the NGO was providing, advised against cooperation with the NGO, and questioned its local point of contact.

No independent political groups existed. The only registered political party was the ruling Democratic Party, the former Communist Party of Turkmenistan. The Government did not prohibit membership in political organizations; however, in practice authorities harassed those who claimed membership in political organizations other than the Democratic Party.

Government authorities harassed some recipients of foreign grants. There were no cases in which the Government refused to register a grant project, but the process for registering grants was delayed for several months. Following its reinstitution in May, the grant registration process resumed normal functions.

c. Freedom of Religion.—The constitution and law provide for freedom of religion; however, the Government restricted this right in practice. There was no state religion, but the majority of the population is Sunni Muslim. The Government incorporated some aspects of Islamic tradition into its efforts to define a national identity, but in practice the Government closely controlled and monitored all religious activities and placed some restrictions on Muslims. The Government required all religious groups as well as individual mosques and churches to register with the MOJ and continued government monitoring of financial and material assistance to religious groups from foreign sources. The Government required groups to file reports of proceedings at all meetings. Some groups reported confusion over registration requirements because of conflicting statements by government officials from different ministries. In 2005 the Government explained that individual branches of religious groups could be temporarily registered by requesting representative power of attorney from the registered branch of their particular group; in many cases this resolved branches' registration problems. Although religious groups had persistent problems overcoming administrative hurdles to registration, the Government registered an evangelical Christian group in September 2007, the first group to receive registration since 2005.

In October 2007 the Government also registered an unidentified Islamic organization from Ahal. At least three groups that had applied for registration continued to be denied legal status. Other unregistered religious congregations such as Jehovah's Witnesses, separate groups of Baptists, and evangelical Christian groups existed, although the Government restricted their activities. The Government officially prohib-

ited unregistered groups from conducting religious activities. According to the CRA, Shi'a Muslim groups were allowed to register collectively as one organization.

The Catholic Church remained unregistered because of a conflict with local law requiring that the head of the church be a citizen. However, authorities appeared to have eased their harassment of the church. Church leaders conducted regular masses and held classes on Catholicism for interested ethnic Turkmen and non-Turkmen citizens without government harassment.

The government-appointed CRA reports to the President and ostensibly acts as an intermediary between the Government bureaucracy and registered religious organizations. The CRA includes representatives of the Government, Sunni Islam, and the Russian Orthodox Church but no other religious groups. In practice the CRA acted as an arm of the state, exercising direct control over hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, compensation of Sunni Muslim clergy, and monitoring of all religious publications and activities.

Both registered and unregistered minority religious communities experienced difficulty in obtaining facilities where they could worship. Legal and governmental obstacles hindered or prevented the ability of religious groups to purchase or rent land or buildings for worship or meetings. Registered and unregistered groups also experienced difficulty in using private homes for worship or study.

The Government continued occasionally to harass and threaten both registered and unregistered minority religious groups. Examples of harassment included government agents interrupting religious services and interrogating, detaining, and pressing religious minority group members to abandon their beliefs. The Government threatened members of minority religious groups with fines, loss of registration, loss of employment and housing, and imprisonment because of their beliefs. There were also reports of raids and the seizure of religious materials.

Members of Jehovah's Witnesses and other minority religious groups reportedly experienced police harassment, disruption of meetings, surveillance, detentions, and administrative fines.

On April 22, local police in Turkmenbashi raided a religious gathering and detained the church's pastor, Timur Muradov, and two foreign visitors for holding an unauthorized gathering. The two foreign visitors were deported and Muradov was interrogated and warned to stop his religious activity. Authorities threatened to plant evidence on him to have a reason to arrest him. He was released after agreeing to write a statement of explanation of his activities and to appear before a commission that would determine a fine.

On May 6, local security officials in Balkanabat raided the apartment of a member of Jehovah's Witnesses where four other members of Jehovah's Witnesses were staying and confiscated a computer and other personal belongings. The officials beat the individuals with a belt on the head, abdomen, and legs and tried to force them to say, "I am a Muslim." The officials then detained the members of Jehovah's Witnesses overnight at a police station and forced them to sign confessions and pay fines.

On May 7, Turkmenbashi city officials detained and questioned two female members of Jehovah's Witnesses from Dashoguz and Kyzyl Arbat, claiming a decree had been issued outlawing Jehovah's Witnesses. Police officers pressured them to sign a statement regarding their activities, seized their passports, and forced the women to return to their towns of residence.

In June authorities deported a foreign visitor who made an unplanned visit to a member of a registered Christian church in Ashgabat. The church was threatened with the loss of its registration, although church officials had neither invited nor been aware of the visitor.

On June 15, local officials, including an imam, broke into an apartment in Turkmenbashi and interrupted a meeting of Jehovah's Witnesses. They interrogated those present and searched the apartment, seizing a Bible, several publications, and a songbook.

The Government incorporated some aspects of Islamic tradition in its effort to redefine a national identity. Despite its embrace of certain aspects of Islamic culture, the Government was concerned about foreign Islamic influence and the interpretation of Islam by local believers. The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. Two mosques were reportedly being refurbished or rebuilt.

The Government officially banned only extremist groups that advocate violence, but it also categorized Islamic groups advocating stricter interpretations of Islamic religious doctrine as "extremist." The Government did not officially restrict persons from changing their religious beliefs and affiliation, but ethnic Turkmen members of unregistered religious groups accused of proselytizing and disseminating religious material generally received harsher treatment than nonethnic Turkmen.

Police officers often subjected ethnic Turkmen who converted to Christianity to harassment and mistreatment such as verbal abuse for denying their heritage by converting.

Reports of obstructed travel based on religious minority group affiliation continued. In April Turkmen Evangelical Church Pastor Ilmyrat Nurliyev was barred from travel to Ukraine for a friend's wedding. The Government continually denied entry visas to foreign members of registered and unregistered groups.

During the year the Government permitted the visits of foreign religious officials. In March a group of regional Catholic officials were permitted to visit for a retreat. In May a senior official of the Russian Orthodox Church made an official visit for the first time since 2005, and in September authorities permitted the visit of a Seventh-day Adventist regional representative for the first time in eight years. Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present. The Government also prohibited proselytizing by unregistered religious groups.

There was no official religious instruction in public schools. Although the Ruhnama continued to be taught in all public schools and institutes of higher learning, teachers reported that such training decreased substantially. Unregistered religious groups and unregistered branches of registered religious groups were prohibited from providing religious education. Extracurricular religious education was allowed only with CRA and Presidential permission, and there were no reports that either the CRA or the President approved such programs.

The Government also controlled access to Islamic education. The theology faculty in the history department at Turkmen State University in Ashgabat was the only academic faculty that conducted Islamic education. Although President Berdimuhamedov continued with 2006 plans to construct a Ruhnama university, the projected university's focus began to change from "studying the deep roots of the nation's great spirit" to include a more international outlook. Only one institution of Islamic education remained open, and the Government controlled the curriculum.

The Ruhnama was no longer seen in mosques, even the large mosque in former President Niyazov's home village of Gypjak. Phrases from the Ruhnama were, however, still inscribed on the Gypjak mosque. The Government did not allow the publication of religious literature, limiting the availability of Korans, Bibles, and other religious literature. In practice the CRA must approve imported religious literature. Government representatives informed religious groups they could only import religious literature in quantities corresponding to the number of registered congregants, but even registered groups had difficulty importing religious literature.

The Government again financially sponsored 188 pilgrims (one planeload) personally approved by the President out of the country's quota of 4,600 to travel to Mecca. The Government stated that other pilgrims were allowed to go on the Hajj at their own expense, and there were indications that significantly more self-financing pilgrims were allowed to make the Hajj.

The Government does not offer alternative civilian service for conscientious objectors, which was provided by law until 1995. Individuals who refused military service for religious reasons were offered noncombatant roles within the military but were not provided with nonmilitary service alternatives. According to Forum18, in February Turkmenbashi authorities sentenced Jehovah's Witness Vladimir Golosenko to two years of forced labor for evading compulsory military service, although his sentence was suspended. The state reportedly took 20 percent of his wages as part of his punishment.

During 2007 authorities charged six members of Jehovah's Witnesses with evading compulsory military service, but all received suspended sentences after interventions from the international community. Four of the individuals received government pardons, and two continued to be subject to the terms and conditions of their suspended sentences. One of the individuals still serving a suspended sentence reported in July that his local military commission had indicated it would reinstate charges against him when his suspended sentence ended.

Societal Abuses and Discrimination.—There were 2,000 self-identified Jews and no reports of anti-Semitic acts.

Ethnic Turkmen who chose to convert from Islam to other religious groups were viewed with suspicion and sometimes ostracized.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law do not provide for full freedom of movement and require internal passports and residency permits. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and

other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, stateless persons, and other persons of concern. The President eliminated police checkpoints on major roads soon after his inauguration in February 2007 and lifted controls requiring citizens to obtain permits for internal travel to border regions in July 2007. The border permit requirement remained in effect for all foreigners.

The Government inconsistently applied its policy on dual passport holders and occasionally demanded that Russian passport holders procure Commonwealth of Independent States visas based on their Turkmen passports. In 2007 the Government permitted at least four previously restricted citizens to travel overseas. However, the criteria for preventing travel remained unclear, and the Government still barred citizens from departing the country.

The Government denied that it maintained a list of persons not allowed to depart the country. A restrictive 2005 migration law forbids travel by any citizen who has access to state secrets, has falsified personal information, has committed a serious crime, is under surveillance, might become a trafficking victim, has previously violated the law of the destination country, or whose travel contradicts the interests of national security.

Citizens were able to inquire about their travel status at the State Agency for the Registration of Foreign Citizens Immigration. However, only approximately half of those who inquired received information on their travel status. During the year none of those barred from travel was successful in appealing restrictions on travel.

In January authorities prevented the daughter of RFE/RL correspondent Halmurat Gylychdurdiyev from traveling to Moscow for medical treatment. After diplomatic intervention the Government permitted her to travel abroad in September.

In late April and again in early June authorities pulled a junior RFE/RL reporter from two international flights and told him "law enforcement" officers opposed his departure. On June 5, authorities denied departure for fellow RFE/RL reporter Soltana Achilova.

In April Immigration Service authorities told Turkmen Evangelical Church Pastor Ilmyrat Nurliyev he could not travel to Ukraine for a friend's wedding. Nurliyev had also been escorted off a plane bound for Ukraine in November 2007. When Nurliyev wrote a letter of complaint in 2007 to the State Agency for the Registration of Foreign Citizens, he received a reply noting that his claim of being forcibly removed from an airplane was not confirmed.

On June 15, Ovez Annayev, brother-in-law of exile opposition leader Khudayberdy Orazov, was removed from a flight to Moscow, where he was going to obtain medical treatment, although a national security service official had assured him he would be permitted to travel abroad. In November 2007 authorities prevented Svetlana Orazova, Annayev's wife and the sister of exile opposition leader Khudayberdy Orazov, from boarding a plane to Moscow. Orazova had previously appealed her travel restriction, and the State Agency for the Registration of Foreign Citizens told her she would be allowed to leave the country. In December 2007 she sent a letter of complaint to the State Agency for the Registration of Foreign Citizens.

On July 4, Andrey Zatoka, an environmental activist who was pardoned in October 2007, received a letter from the Office of the Prosecutor General stating he was prohibited from traveling abroad.

In October Gulgeldy Annaniazov's daughter and her family were not allowed to leave the country.

The Government permitted citizens living in Dashoguz and Lebap provinces to spend only three days a month visiting relatives in the Bukhara and Khorezm provinces of neighboring Uzbekistan, although travel there is visa-free.

The law permits forced internal and external exile, and at year's end some individuals remained in forced exile. Authorities sent some prisoners, usually former government officials, into internal exile. Some former ministers and government officials who had been dismissed from their positions and sent into internal exile in previous years remained under house arrest. Almost all political opponents of the Government lived in other countries for reasons of personal safety.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee or asylum status to some ethnic Turkmen from Afghanistan and Tajikistan and to other groups of ethnic Uzbeks and Russians. There were 125

UNHCR mandate refugees in the country. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention or the 1967 protocol. In 2006 the Government granted citizenship or legal residency to more than 16,000 ethnic Turkmen individuals who had resettled to Turkmenistan in the 1990s. Most of those granted citizenship were ethnic Turkmen who had fled conflict in Tajikistan in the early 1990s, ethnic Uzbeks, or Russians. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum-seekers.

Stateless Persons.—The UN Development Program (UNDP) reported there were few stateless persons in the country. However, the UNDP also estimated there may be as many as 9,000 undocumented residents who were Soviet Union passport holders at the time of the dissolution and who did not have a state affiliation selected when their Soviet passports expired in 1999. The Government administratively processed these residents and issued them residency permits while considerations of state affiliation continued. The UNDP could not easily quantify these persons because they had not sought UNDP assistance, nor had they sought a change in their status. The UNHCR considered these individuals as *de facto* stateless or at risk of becoming stateless. The Government streamlined its residency registration process via a 2005 decree and then issued citizenship to approximately 13,000 ethnic Turkmen refugees seeking haven from Tajikistan's civil war.

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

Citizens could not freely choose and change the laws and officials that governed them. The constitution declares the country a secular democracy in the form of a Presidential republic. It calls for the separation of powers among the branches of government but vests a disproportionate share of power in the presidency. In practice the President's power over the state continued to be absolute; he made most important decisions. Unlike in previous years, citizens swore a national oath of allegiance to the country rather than to the President.

According to the OSCE, the election law does not meet OSCE standards.

Elections and Political Participation.—On September 26, the Halk Maslahaty (Peoples' Council) adopted a revised national constitution that gave broader powers to the Mejlis (parliament), increased the President's powers, and abolished the Halk Maslahaty as a political body. On October 15, the Government also adopted a revised Mejlis election law that incorporated some international standards, including eliminating negative voting, permitting the nomination of candidates by community groups, and granting the right to vote to detainees not yet convicted of a crime. On December 14, parliamentary elections were held for deputies to the Mejlis. For the first time, the Government invited international observers to monitor the election process. The elections did not meet OSCE standards for free, fair, transparent, and competitive elections.

Under the constitution, upon the December 2006 death of former President Niyazov, then Parliament Chairman Ovezgeldy Atayev should have become the interim President. However, Gurbanguly Berdimuhamedov, the deputy prime minister, was named instead, and authorities initiated a criminal investigation against Atayev. Atayev reportedly remained in prison at year's end. On December 26, 2006, the People's Council selected six Presidential candidates, changing the constitution to allow the candidacy of Interim President Berdimuhamedov. Residency requirements precluded the candidacy of some exiles who expressed a desire to run for President. Nurberdy Nurmamedov, a dissident figure living in Ashgabat whom some of the exiles hoped would be a candidate, was detained on December 23, 2006 and released on December 30, 2006.

In February 2007, citizens selected Berdimuhamedov President in an election that did not meet international standards. The OSCE noted the following problems: lack of political pluralism, restrictions on the right of citizens to run for President, lack of provisions regulating the media coverage of the campaign, prohibition for failed candidates to contest a repeat election, and negative voting requiring voters to cross out the names of all candidates except the name of the chosen candidate. Although the Government did not legally prohibit membership in political organizations, it banned all political parties other than the President's Democratic Party. The Government continued to ban political opposition in the country, leaving the exiled opposition movements in Europe as the only alternative political voice for the country.

There were eight women in the 50-member parliament, including the Mejlis Chairman, elected in 2005. Women served in a few prominent government positions: Deputy Chairman of the Cabinet of Ministers for Culture and Television (a vice premier position), Director of the State Archives, Director of the Institute for Democ-

racy and Human Rights, head of the Supreme Council on Science and Technology, and head of the state news agency.

The one member of a minority group in the 50-seat parliament died in November 2006, and his seat remained vacant. The Government gave preference for appointed government positions to ethnic Turkmen, but ethnic minorities occupied several high government positions. Members of the country's largest tribe, the President's Teke tribe, held the most prominent roles in cultural and political life.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials reportedly often engaged in corrupt practices with impunity. Widespread corruption existed in all social and economic sectors. Factors included the existence of patronage networks, a lack of transparency and accountability mechanisms, and fear of government reprisal. According to the World Bank's Worldwide Governance Indicators, the country had a severe corruption problem. Transparency International's 2008 Corruption Perceptions Index noted that experts perceived rampant corruption among the country's public officials.

The President dismissed numerous ministers and government officials from their positions; some were investigated and even arrested for alleged malfeasance, although a lack of information about their cases made it difficult to determine whether their arrests were politically motivated. The Government did not sentence any senior government officials to jail terms or put them under house arrest during the year, although several officials were investigated for possible wrongdoing in their official capacities. Two senior government officials were fired for grave shortcomings in their work and may have been charged with crimes—Onjyk Musaev, head of the Democratic Party of Turkmenistan, and Customs Chief Muratberdi Annaliyev. Their status was unknown at year's end.

In 2007 authorities indicated they would charge at least seven senior government officials with crimes after firing them, including Akmurat Rejepov, chief of the Presidential guard and close advisor to former President Niyazov; Payzegeldy Meredov, a former minister of agriculture accused of corruption; and Ovezgeldy Atayev, former chairman of the Mejlis. Atayev was sentenced to five years in prison. Former Minister of Railroads Orazberdy Hudayberdiyev was released in the October 2007 pardon. The status of the others was unknown at year's end.

There is no law that allows for public access to government information, and in practice the Government did not provide access. Authorities denied requests for specific information on the grounds that the information was a state secret. Some statistical data were considered state secrets. There was no public disclosure of demographic data, and published economic and financial data were manipulated to justify state policies and expenditures.

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

There were no domestic human rights NGOs. The Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. During the year the Government continued to monitor the activities of nonpolitical social and cultural organizations.

There were no international human rights NGOs with a continued permanent presence in the country; however, the Government permitted international organizations, including the OSCE and the UNHCR, to have resident missions. Government restrictions on freedom of speech, press, and association severely restricted international organizations' ability to investigate and criticize the Government's human rights policies. Some officials were more responsive to questions regarding alleged human rights abuses. The Government appeared to have relaxed somewhat its past efforts to control citizens' access to international organizations and missions and to discourage citizens from cooperating with foreigners. During the year the OSCE reported there had been no perceptible restrictions on citizens' ability to visit and participate in OSCE Center activities. In October 2007 the OSCE reported the Government had stopped impeding ordinary citizens from visiting the OSCE Center or participating in OSCE-sponsored civil society-themed seminars and activities. In June 2006 the Council of Ministers accused diplomats and the mission of the OSCE of fomenting revolution in the country for passing journalism equipment to citizens.

From September 4 to 10, the UN Special Rapporteur on Freedom of Religion or Belief made her first official visit to the country. She met with the President; other national, regional and local government representatives; the Chairman of Parliament; members of the Supreme Court; and a variety of registered and unregistered religious group representatives.

In a public statement, the rapporteur encouraged the Government to revise its Law on Religion to bring it into greater conformity with international human rights

standards and recommended that the CRA be more inclusive and independent. She recommended that the Government reduce restrictions on the importation of religious material and on acquiring facilities for religious activity. She also recommended that legislation be revised to provide alternative civilian service in place of compulsory military service for conscientious objectors. HRW reported that security services had warned representatives of at least three different religious communities in Ashgabat not to meet with the rapporteur during her visit.

The government-appointed Institute for Democracy and Human Rights (IDHR) played an unofficial ombudsman's role to resolve some citizen human rights-related appeal requests during the year. In 2007 the Government established the Human Rights Commission, which reports to the President, to oversee institutional human rights reform. In 2007 the Government also established a committee headed by the Chairman of the Supreme Court to review citizen complaints about law enforcement activities. In 2005 the Committee on the Protection of Human Rights and Liberties was established in parliament to oversee human rights-related legislation. The IDHR, also subordinate to the President, was established in 1996 with a mandate to support democratization and monitor the protection of human rights, and maintained a human rights library. The IDHR was not an independent body, and its ability to obtain redress was limited.

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

Although the law prohibits discrimination based on race, gender, disability, language, or social status, violence against women, and discrimination against ethnic minorities, discrimination continued to be a problem.

Women.—Rape, including spousal rape, is illegal, with penalties of three to 25 years based on the level of violence of the incident and whether the attacker was a repeat offender. A cultural bias against reporting or acknowledging rape made it difficult to determine the extent of the problem.

The law prohibits domestic violence, including spousal abuse, but the law was not effectively enforced. Penalties are based on the extent of the injury. Anecdotal reports indicated that domestic violence against women was common; most victims of domestic violence kept silent, either because they were unaware of their rights or afraid of increased violence from husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat, an independent NGO, and several informal groups in other regions assisted victims of domestic violence.

Prostitution is illegal but remained a problem throughout the country. Authorities actively monitored prostitution but did not attempt to counter it. There is no law specifically prohibiting sexual harassment, and anecdotal reports suggested that sexual harassment existed in the workforce.

Women had equal rights under family law and property law, and in the judicial system. In December 2007 the Mejlis approved a new law on women's rights after consultation with UNDP and other international partners. The Mejlis Committee on Human Rights and Liberties was responsible for drafting human rights and gender legislation, integrating a new gender program into the education curriculum, and publishing regular bulletins on national and international gender laws. By law women are on equal footing with men in all spheres, including wages, loans, starting businesses, and working in government. However, women continued to experience discrimination in practice due to cultural biases. Employers allegedly gave preference to men to avoid productivity losses due to pregnancy or child care. Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. The Government restricted women from working in some dangerous and environmentally unsafe jobs.

The Government did not acknowledge or address discrimination against women.

Children.—The Government took modest steps to address the welfare of children, including increased cooperation with the UN Children's Fund (UNICEF) and other international organizations on programs designed to improve children's health, and reinstatement in 2007 of the 10th year of mandatory schooling.

In 2007 the Government initiated reforms in the higher education system, including extending university education to five years from two years under Niyazov and removal of the requirement that university students work for two years before embarking on a degree program. The Government eased its restrictions for students wishing to study abroad, but significant bureaucratic hurdles remained and students had to pass a Turkmen language exam to obtain approval to study in some countries.

There were isolated reports of child abuse.

According to a 2006 UNICEF report, 9 percent of marriages involved minors.

Trafficking in Persons.—In December 2007 parliament passed a comprehensive law prohibiting all forms of trafficking in persons. There were some reports that persons were trafficked to, from, and within the country.

Available information is insufficient to substantiate a specific number of victims in the country. There were reportedly approximately 20 trafficking cases during the year. Approximately 80 percent of the cases involved young women trafficked for sexual exploitation, and the other 20 percent involved men trafficked to work as laborers or in factories. Most of the persons were trafficked to Turkey. During the year the Government continued to use the 2005 migration law to forbid suspected female trafficking victims from boarding planes to Turkey and the United Arab Emirates, considered the primary trafficking destination countries. Iran was also assumed to be a trafficking destination. NGOs noted that young women from minority ethnic groups were most vulnerable to being trafficked.

The International Organization for Migration assisted 20 trafficked persons with repatriation from Turkey in 2007. Traffickers were subject to two to eight years' imprisonment and the confiscation of property, depending upon the law under which they were convicted. During the year the State Migration Service became responsible for combating trafficking.

The MOJ worked with foreign embassies and international organizations to promote public awareness of trafficking. Some social action groups carried out trafficking awareness programs in the provinces. However, the Government did not publicly acknowledge trafficking as a problem and did not monitor the trafficking situation within its borders, nor did it have a strategy to do so. The Government did not systematically screen vulnerable population groups to identify trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and other state services; however, in practice disabled persons are regularly denied work, education, and access to health care and other state services because of strong cultural biases. Persons with disabilities encountered discrimination in employment, education, access to health care, and provision of other state services. The Government systematically categorized many persons with physical disabilities as persons with mental disabilities and housed them in facilities for the mentally ill. The Government provided subsidies and pensions for persons with disabilities, although the assistance was inadequate to maintain a decent standard of living. Persons with disabilities who received these subsidies were considered "employed" and therefore ineligible to compete for jobs in the Government, the country's largest employer.

Some groups of students with disabilities were unable to obtain education because there were no teachers. Students with disabilities did not fit the unofficial university student profile and were not admitted to universities. Children with disabilities, including those with mental disabilities, were placed in boarding schools through which they were to be provided with educational and future employment opportunities if their condition allowed them to work; in practice neither was provided. Special schools for the hearing and sight impaired existed in the larger cities.

Although the law requires that new construction projects include facilities to allow access by persons with disabilities, compliance was inconsistent and older buildings were not accessible. The Ministry of Social Welfare was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The law provides for equal rights and freedoms for all citizens. Several minority groups tried to register as NGOs to have legal status to conduct cultural events. No minority groups succeeded in registering during the year.

The law designates Turkmen as the official language, although it also provides for the rights of speakers of minority languages. Russian remained prevalent in commerce and everyday life in the capital, even as the Government continued its campaign to conduct official business solely in Turkmen. The Government required ministry employees to pass tests demonstrating knowledge of the Ruhnama, state symbols, and professional subjects in Turkmen; employees who failed the exam were dismissed. The Government systematically replaced teachers and staff at Turkish schools with ethnic Turkmen. Only in schools did the Government dedicate resources toward providing Turkmen language instruction for non-Turkmen speakers.

Non-Turkmen speakers complained that some avenues for promotion and job advancement were closed to them, and only a handful of non-Turkmen occupied high-level jobs in government ministries. In some cases applicants for government jobs

had to provide ethnicity information for three generations. The Government often first targeted non-Turkmen for dismissal when government layoffs occurred.

Other Societal Abuses and Discrimination.—Homosexuality between men is illegal and punishable by up to two years in prison.

Section 6. Worker Rights

a. The Right of Association.—The law provides for citizens to join independent unions, but in practice all existing trade and professional unions were government-controlled. Private citizens are not permitted to form independent unions.

The Government permitted only the umbrella organization Center for Professional Unions (CPU). Led by a Presidential appointee, the CPU included numerous professional unions in most fields, including medicine, construction, banking, accounting, economics, entrepreneurship, and lease-holding. All unions were government appendages and had no independent voice in their activities. There is no law regulating strikes or retaliation against strikers, and strikes were rare. In early June Deutsche Welle radio reported an unruly protest at an oil facility near Balkanabat. The protest, seeking higher wages to make up for exchange rate changes that devalued the dollar, was short-lived, and the MNB arrested approximately 60 employees.

b. The Right to Organize and Bargain Collectively.—The law does not protect the right of collective bargaining.

The law does not prohibit antiunion discrimination by employers against union members and organizers. There were no mechanisms for resolving complaints of discrimination, and there were no reports of discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred.

A 2005 Presidential decree bans child labor and states that no children would participate in the cotton harvest. During the year, the Government reportedly implemented this policy.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, but they were not effectively enforced. The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than six hours per day. A 15-year-old may work four to six hours per day with parental and trade union permission, although such permission was rarely granted. The MOJ and the Prosecutor General's Office were responsible for enforcing child labor laws.

e. Acceptable Conditions of Work.—The state sector minimum monthly wage of 1.65 million manat (approximately \$116) did not provide a decent standard of living for a worker and family. The Government increased teachers' salaries by 40 percent at the beginning of the 2007 school year, however, and reduced their weekly hours of work from 35 to 24.

The standard legal work week is 40 hours with two days off. Most public sector employees also worked at least one-half day on Saturdays. The law states overtime or holiday pay should be double the regular payment. Maximum overtime in a year is 120 hours and cannot exceed four hours in two consecutive days; however, this law was not enforced.

The Government did not set comprehensive standards for occupational health and safety. Industrial workers in older factories often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

UZBEKISTAN

Uzbekistan is an authoritarian state with a population of approximately 28.2 million. The constitution provides for a Presidential system with separation of powers between the executive, legislative, and judicial branches. In practice, however, President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches. The two-chamber Oliy Majlis (parliament) consisted almost entirely of officials appointed by the Presi-

dent and members of parties that supported him. In December 2007 the country elected President Karimov to a third term in office; however, according to the limited observer mission from the Organization for Security and Cooperation in Europe (OSCE), the Government deprived voters of a genuine choice. Civilian authorities generally maintained effective control over the security forces.

Citizens did not have the right in practice to change their government through peaceful and democratic means. Reports continued of security forces torturing, beating, and otherwise mistreating detainees under interrogation to obtain confessions or incriminating information. Human rights activists and journalists who criticized the Government were subject to harassment, arbitrary arrest, politically motivated prosecution, forced psychiatric treatment, and physical attack. The Government generally did not take steps to investigate or punish the most egregious cases of abuse, although it prosecuted many officials for corruption and prosecuted at least a few for more serious offenses, including killings, and undertook legal reforms aimed at preventing abuses. Despite some improvements, prison conditions remained poor. Outside monitors regained access to places of detention. In many cases those arrested were held incommunicado for extended periods without access to family or attorneys. Criminal defendants were sometimes deprived of legal counsel. Guilty verdicts were almost universal and generally based upon defendants' confessions and witnesses' testimony obtained through coercion. The Government tightly controlled the mass media and suppressed any criticism. The Government did not observe citizens' right to free assembly or association. Police regularly detained citizens to prevent public demonstrations and forestalled contact with foreign diplomats. Authorities sought to control nongovernmental organization (NGO) activity. The Government made access for international observers at trials difficult, although it allowed foreign diplomats to attend some hearings. The Government restricted religious activity, treating virtually all religious observance outside state-sanctioned structures as a crime. The Government's campaign against unauthorized Islamic groups suspected of extremist sentiments or activities appeared to have slowed, but some alleged members continued to be arrested and sentenced to lengthy jail terms. The Government also harassed several religious minority groups and imprisoned some of their members. The Government pressured other countries to return forcibly Uzbek refugees who were under the protection of the Office of the UN High Commissioner for Refugees (UNHCR) and continued to pressure Afghan refugees to return home. There was a widespread public perception of corruption. While the Government took continued steps to combat trafficking in persons, it remained a problem. The use of child labor in cotton harvesting continued in several regions of the country.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by the Government or its agents.

The Government continued to refuse to authorize an independent international investigation of the alleged killing of numerous unarmed civilians and others during the violent disturbances of May 12 and 13, 2005. Peaceful demonstrators had assembled in front of Andijon's courthouse in the weeks before in support of 23 local Islamic businessmen on trial, charged by the Government with involvement in an extremist group. On the evening of May 12, an unknown number of individuals attacked a police garrison, seized weapons, broke into a nearby prison, and released several hundred inmates, including the 23 businessmen. Several witnesses claimed that, on May 13, military vehicles drove into the main square, where several thousand civilians had gathered peacefully, and fired repeatedly into the crowd without warning. The Government claimed, based on its own 2005 investigation, that armed individuals initiated the violence by firing on government forces. The estimated number of dead varied between the Government's total of 187 and eyewitnesses' reports of several hundred. While an international investigation did not take place, the Government claimed to have conducted internal investigations into the May 2005 events. It discussed investigation techniques and results with diplomats and other international representatives in 2006 and 2007.

Human rights activists claimed the number of deaths in custody was higher than reported, but this could not be measured accurately due to the lack of comprehensive independent prison monitoring.

b. Disappearance.—There were no reports during the year of politically motivated disappearances. There were still numerous unconfirmed reports of disappearances in 2005 of persons who were present at the violent disturbances in Andijon. The

welfare and whereabouts of several of the refugees who were forcibly returned to the country during the year remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, law enforcement and security officers routinely beat and otherwise mistreated detainees to obtain confessions or incriminating information. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Informants reported several cases of medical abuse, including forced psychiatric treatment.

November 2007 reports by Human Rights Watch (HRW) and the UN Committee Against Torture (CAT) concluded that torture and abuse were systemic throughout the investigative process and had not improved since a 2003 UN Special Rapporteur on torture report drew the same conclusions. The CAT report stated that despite an amendment to Article 235 of the criminal code addressing elements of the definition of torture, punishment for violations was rare and did not reflect the severity of the crimes.

Authorities occasionally convicted and punished Ministry of Internal Affairs (MOI) officials for wrongdoing. During the year a court in Tashkent Province ordered the reinvestigation of a murder case after dismissing the coerced confessions of five suspects. Charges against the five original suspects were later dropped, and a court convicted the deputy chief of police in Angren of suppression of evidence. In September a court in the Mubarek district of Kashkadarya province reportedly sentenced an MOI official to 23 years' imprisonment for murder and robbery. In November a court in Tashkent convicted six former police officers of kidnapping a local businessman and sentenced them each to 16 years' imprisonment. On December 12, the Tashkent provincial Criminal Court sentenced four police officers to between eight and 17 years' imprisonment for beating to death Angren resident Muzaffar Tuychiev. Authorities fired more than 10 police officers after the incident, including the heads of the Angren police department and its investigation unit. The MOI reported on its Web site that 1,622 police officers were disciplined for abuse of power during the year and 185 of them were fired.

Authorities reportedly treated more harshly than ordinary criminals some individuals suspected of extreme Islamist political sympathies, notably pretrial detainees who were alleged members of banned extremist political organization Hizb ut-Tahrir (HT). Local human rights workers reported that authorities often paid or otherwise induced common criminals to beat suspected extremists and others who opposed the Government.

On May 4, prisoner Odil Azizov died in a prison hospital in Tashkent after being transferred from Jaslyk prison in Karakalpakstan. His family reported that his body showed signs of torture, including bruising on his chest and swollen feet. Accounts differed whether Azizov died of torture or bronchitis due to the harsh winter conditions. Azizov was serving a 15-year sentence on charges of religious extremism.

On July 14, a police investigator reportedly poured boiling water on human rights activist Akzam Turgunov's back while he was in pretrial detention in an attempt to elicit a confession. Authorities detained Turgunov, a lawyer who had investigated local rule of law and corruption cases, on extortion charges on July 11 in the town of Mangit in Karakalpakstan. Human rights activists suspected that the charges against him were politically motivated. The judge suspended Turgunov's trial pending an investigation of the boiling water incident, but later said the investigation showed that Turgunov had not been tortured. The court convicted Turgunov on October 23 and sentenced him to 10 years in prison. On December 11, the Karakalpakstan Supreme Court rejected Turgunov's appeal of his conviction. Authorities reprimanded and demoted the police investigator for violating the MOI's instructions for "protecting and escorting suspects," though they also denied that any investigator poured boiling water on Turgunov.

There were confirmed instances of politically motivated medical abuse. Victims could request through legal counsel that their cases be reviewed by an expert medical board. In practice, however, such bodies generally supported the decisions of law enforcement authorities.

Jamshid Karimov, a journalist, human rights activist, and nephew of President Karimov, has remained under forcible detention at Samarkand Psychiatric Hospital since 2006. The Government released him for five days this year to attend his mother's funeral. The condition of his health was unknown, as independent monitors had no access to him.

There were no updates in the cases of Fitrat Salikhiddinov, Takhir Nurmukhammedov, and two other unnamed prisoners, all of whom were convicted of membership in HT and reportedly died after being tortured in prison in November and December 2007.

In September relatives reported that Ezgulik human rights group member Abdurasul Khudoynazarov, who was sentenced to nine years' imprisonment in 2005 on politically motivated charges of blackmail and fraud, reportedly attempted suicide at prison 64/1 in Angren after enduring frequent harassment at the hands of prison guards. At year's end his condition was reportedly stable.

Family members of Azam Farmonov reported in September that authorities charged him with violating internal prison regulations, making him ineligible for consideration for amnesty. In November relatives of Alisher Karamatov reported that he was seriously ill with tuberculosis he had contracted while in prison, and had been transferred from prison 64/49 in Qarshi to the Sangorod prison hospital in Tashkent for treatment. On December 25, a court in Syrdarya province rejected an appeal submitted by his lawyer to release Karamatov on medical grounds.

On November 3, relatives reported that the health of human rights activist Norboy Kholjigitov, who was sentenced to ten years' imprisonment on politically motivated charges in 2005, was deteriorating at prison 64/49 in Qarshi. Kholjigitov, who is in his sixties, reportedly suffers from diabetes and high blood pressure.

Prison and Detention Center Conditions.—According to prison officials, the Government held approximately 34,000 inmates at 53 detention facilities. Prison conditions remained poor and in some cases life threatening. There continued to be reports of severe abuse, overcrowding, and shortages of food and medicine. Tuberculosis (TB) and hepatitis were endemic in the prisons, making even short periods of incarceration potentially life-threatening. Prison officials stated that approximately 1,000 inmates were infected with TB. This number could not be confirmed by international health and other organizations. Family members frequently reported that officials stole food and medicine that they tried to deliver to prisoners. There were reports of inmates working in harsh circumstances. Still, several knowledgeable sources reported that authorities had made some progress in the past two years in improving prison conditions, notably in combating the spread of TB.

Sources reported that authorities in some prisons continued to hold political prisoners and those convicted of membership in banned religious extremist organizations in specially demarcated sections of prisons and subjected these prisoners to harsher conditions and treatment than other prisoners. However, there were reports that authorities at several prisons across the country reintegrated religious prisoners with the mainstream population. There were reports that authorities did not release prisoners, especially those convicted of religious extremism, at the end of their terms. Instead, prison authorities frequently contrived to extend inmates' terms by accusing them of additional crimes or claiming that the prisoners represent a continuing danger to society. These accusations were not subject to judicial review.

Following long negotiations with the Government, on March 11, the International Committee of the Red Cross (ICRC) resumed visits to detention facilities under the responsibility of the GUIN (penitentiary system under the authority of the Ministry of Internal Affairs) for a six-month trial period. Prison monitoring had been suspended since December 2004. The trial period ended in September, and the ICRC has since submitted a report with its conclusions and recommendations to the Government for its consideration. The Government also permitted representatives from the German Konrad Adenauer Foundation and the Bukhara-based Medical-Legal Center NGO to undertake limited monitoring visits to prisons this year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention. However, these practices continued to take place.

Role of the Police and Security Apparatus.—The MOI controls the police, which are responsible for law enforcement and maintenance of order. The National Security Service (NSS), headed by a chairman who is answerable directly to the President, deals with a broad range of national security questions, including corruption, organized crime, and narcotics. Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. Impunity was a problem, and the Government rarely punished officials responsible for abuses. The MOI's main investigations directorate has procedures to investigate abuse internally and discipline officers accused of rights violations and has done so in a few cases. The MOI created a new human rights department that has taken positive actions in some police brutality cases. The human rights ombudsman's office, affiliated with the parliament, also has the power to investigate such cases. However, there was no independent body charged with investigating such allegations on a systematic basis.

The MOI's main investigations directorate incorporated human rights training into officers' career development.

In October a contingent of eight mid-level law enforcement officers from the Ministry of Internal Affairs and NSS participated in a two-month leadership course at the International Law Enforcement Academy in Hungary that included human rights training.

Arrest and Detention.—On January 1, habeas corpus-related amendments to criminal law went into effect. Under the new law all decisions to arrest accused individuals or suspects must be reviewed by a judge, and defendants have the right to legal counsel from the time of arrest. The amendments state that the judge conducting the arrest hearing is not allowed to sit on the panel of judges during the individual's trial and that detainees have the right to request a hearing with a judge to determine whether they should remain incarcerated or be released. The law requires that within 24 hours of a person being taken into custody the arresting authority notify a relative or close friend, and question the detainee, whether he is considered a suspect or accused. Suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor may extend it for an additional seven days, at which time the person must either be charged or released. In practice authorities continued to hold suspects after the allowable period through various means. There were several cases in which authorities detained individuals initially as witnesses and later falsely charged them with a crime. Concerns remained that the 72 hour period begins only once a suspect is brought to the police station, which could lead to abuse of the spirit of the law. Senior officials publicly acknowledged that the law is not perfect and expressed willingness to work with international organizations and experts to develop improvements.

Once charges are filed, a suspect may be held in pretrial detention for up to three months during an investigation, and the law permits extension of that period at the discretion of the appropriate court upon a motion by the investigating authority. A prosecutor may release a prisoner on bond pending trial, although in practice authorities frequently ignored these legal protections. Those arrested and charged with a crime may be released without bail until trial on the condition that they provide assurance that they will appear at trial, and register each day at a local police station.

A Supreme Court decree provides for a defendant's right to counsel from the moment of detention. In practice authorities often denied or delayed access to counsel and denied communication with their families. Investigators often pressured defendants to sign statements refusing the services of private attorneys whom family members had hired. In their place authorities appointed state attorneys who did not provide effective defense.

On December 5, parliament adopted a new law on defense attorneys, which codifies defendants' right to remain silent, to call an attorney or relative after their arrest, and to meet with their lawyer whenever they wish. For the first time, the law specifies that witnesses in criminal cases may be represented by legal counsel. The law grants defense attorneys and attorneys defending witnesses the same procedural rights as prosecutors. The new law abolishes private defense attorney organizations, including the independent Association of Advocates of Uzbekistan and the Tashkent Bar Association, replacing them with a state-controlled Chamber of Lawyers. The law also requires that all defense attorneys become licensed members of the chamber. While the Government claimed that the provisions were aimed at improving the professionalism of defense attorneys, some critics contend that the measures were aimed at reducing their independence.

There were reports that police arrested persons on false charges such as extortion or tax evasion as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities.

Authorities continued to arrest persons arbitrarily on charges of extremist sentiments or activities, or association with banned religious groups, although the number of such cases appeared to decline. Local human rights activists reported that police and security service officers, acting under pressure to break up HT cells, frequently detained and mistreated family members and close associates of suspected members. Coerced confessions and testimony in such cases were commonplace.

Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, Erk, and Birdamlik parties.

During the year pretrial detention typically ranged from one to three months. Prison officials estimated that the Government held approximately 3,400 persons in pretrial detention at any one time.

In general prosecutors exercised discretion over most aspects of criminal procedure, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when no charges were filed, police

and prosecutors sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects.

In November Supreme Court Chairman Boritosh Mustafoyev reported that the Government was promoting arbitration and “out-of-court settlements” to resolve criminal cases, especially those involving minors, women, and the elderly.

Local police regularly employed house arrest to stifle dissent. In most cases police surrounded the homes of human rights activists and government critics to prevent them from participating in public demonstrations or other activities.

Legislation abolishing the death penalty took effect on January 1 and replaced it with prison terms ranging from 20 years to life. The legislation contains a provision mandating that prisoners sentenced to life must serve 20 years before petitioning for release and limits lifetime imprisonment to those convicted of premeditated murder and terrorism. Between January and April the Supreme Court reviewed more than 40 death penalty cases, commuting approximately 12 sentences to life imprisonment and the remainder to 25 years’ imprisonment. Human rights activists criticized the lack of transparency in the Supreme Court’s review of the cases. There were no known executions during the year. On December 12, President Karimov signed legislation on joining the Second Optional Protocol to the International Covenant on Civil and Political Rights on Abolishing the Death Penalty.

Amnesty.—On January 2, President Karimov issued a Presidential amnesty in honor of the 15th anniversary of the constitution. Prison authorities reportedly released approximately 3,500 individuals under the amnesty and reduced the sentences of a much larger (but indeterminate) number of individuals.

On February 2, the Government amnestied and released Ikhtiyor Hamroyev, the son of well-known human rights defender Bakhtiyor Hamroyev and a member of the Human Rights Society of Uzbekistan (HRSU). Authorities had sentenced Hamroyev to three years’ imprisonment in 2006 on politically-motivated charges of hooliganism. On February 2, the Government also amnestied and released Andijon-based human rights activist Saidjahon Zaynabiddinov, who was sentenced to seven years’ imprisonment in 2006 by the Tashkent Province Criminal Court for extremist activity in connection with the 2005 Andijon events.

On February 4–5, the Government amnestied and released three political prisoners: Bahodir Mukhtarov, Bobomurod Mavlanov, and Ulugbek Kattabekov. In February the Government also amnestied and lifted the three-year suspended sentence of former HRW staffer and journalist Umida Niyazova and the six-year suspended sentence of Andijon-based human rights activist and forensic pathologist Gulbahor Turayeva.

In honor of the country’s Independence Day on September 1, the Government announced another general amnesty. According to state-controlled media, those eligible under this amnesty included women, the disabled, foreigners, minors, men over the age of 60, and individuals who “do not pose a danger to the public order.” The Government has not released any official figures yet from the September amnesty, but it appears from reporting by local papers in the country’s provinces that at least several hundred individuals were released by year’s end. In October the Government amnestied and released two political prisoners, Dilmurod Mukhiddinov and Mamarajab Nazarov.

As in previous amnesties, authorities reportedly forced prisoners to sign letters of repentance as a condition of release. There were allegations that authorities physically mistreated some prisoners who refused to sign such letters, and there were accounts of authorities not releasing many inmates, even after they had signed such letters. Local prison authorities had considerable discretion in determining who was reviewed for amnesty, despite established conditions allowing release. As in previous years, there were reports of corruption.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, the judicial branch took its direction from the executive branch, particularly the general prosecutor’s office, and exercised little independence in practice.

Under the law the President appoints all judges for five-year terms. Removal of Supreme Court judges must be confirmed by parliament, which in practice complies with the President’s wishes.

The Karakalpakstan Supreme Court has jurisdiction over the Karakalpakstan Autonomous Republic. Decisions of district and provincial courts may be appealed to the next level within 10 days of a ruling. In addition, a constitutional court reviews laws, decrees, and judicial decisions to ensure compliance with the constitution. Military courts handle all civil and criminal matters that occur within the military. The Supreme Court is a court of general jurisdiction that handles selected cases of national significance.

Trial Procedures.—Most trials are officially open to the public, although access was sometimes restricted in practice. Trials may be closed in exceptional cases, such as those involving state secrets, or to protect victims and witnesses. Courts often demanded that international observers obtain written permission from the court chairman or from the Supreme Court. Permission was difficult and time-consuming to obtain, but international observers, including foreign diplomats, were granted access to some hearings.

Authorities generally announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began.

Generally, a panel of one professional judge and two lay assessors, selected either by committees of worker collectives or neighborhood committees, presided over trials. The lay judges rarely spoke, and the professional judge usually deferred to the recommendations of the prosecutor on legal and other matters. There are no jury trials.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. These rights were generally observed, including in high-profile human rights and political cases. In the vast majority of criminal cases that prosecutors brought to court, however, the verdict was guilty. Defendants have the right to hire an attorney, and the Government provides legal counsel without charge when necessary. However, state-appointed defense attorneys routinely acted in the interest of the Government rather than of their clients. Authorities often violated the right to an attorney during pretrial detention, and judges in some cases denied defendants the right to an attorney of choice. There were several reports that investigators pressured defendants to refuse legal counsel. Defense counsel was often unqualified and, in some cases, the role of defense counsel was limited to submitting confessions and pleas for mercy.

During the year the Government reportedly established a system of 24-hour on-call defense attorneys, resulting in some improved access to qualified defense counsel for the accused. Several private law firms provided qualified pro bono defense counsel, some financed through international donors.

Government prosecutors order arrests, direct investigations, prepare criminal cases, and recommend sentences. Defendants do not enjoy a presumption of innocence. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. Verdicts are often based solely on confessions and witness testimony, which is often reportedly extracted through torture, threats to family members or other means of coercion. Legal protections against double jeopardy are not applied in practice.

On February 7, human rights lawyer Rusluddin Khamilov met with his client, dissident poet Yusuf Jumaev. Prison officials observed the entire meeting despite the law's stipulation that defendants have the right to meet privately with their lawyers, threatened Khamilov, and confiscated a letter reportedly detailing abuses suffered by Jumaev in prison. On April 15, a Bukhara court found Jumaev guilty of discrediting government authorities, resisting arrest, and harming a police officer. The court sentenced Jumaev to five years in prison.

The law provides a right of appeal to defendants. In political cases appeals did not result in convictions being reversed, but in some other cases appeals resulted in reduced or suspended sentences.

Defense attorneys had limited access in some cases to government-held evidence relevant to their clients' cases. However, in most cases prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses, particularly in cases involving suspected HT members. Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture. Judges usually ignored such claims or dismissed them as groundless.

Political Prisoners and Detainees.—The Government denied that there were any political prisoners, and it was impossible to determine the actual number of prisoners or detainees held on political grounds. Lists of political prisoners maintained by foreign embassies and international human rights organizations ranged from approximately 11 to 23 individuals. While several political prisoners were released during the year, other individuals were imprisoned on politically motivated charges. Most persons convicted of political crimes were charged with the crime for which they were arrested, such as unconstitutional activity, involvement in illegal organizations, or preparation or distribution of material threatening public security. However, courts convicted several human rights activists and journalists on politically-motivated charges for crimes such as extortion and hooliganism. Unlike the previous year, the Government allowed independent monitoring groups-including the ICRC-to visit political prisoners or detainees.

On May 8, the UN Working Group on Arbitrary Detention issued an opinion on the case of Erkin Musaev, a former Ministry of Defense official who was convicted on politically-motivated charges of corruption and espionage in three separate trials in 2006 and 2007. The opinion noted serious irregularities during Musaev's trial and concluded that his continued detention was arbitrary and contravened several articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Government has not yet responded to the Working Group's opinion, despite requests to do so.

In September authorities granted human rights activist Mutabar Tojiboyeva an exit visa to receive medical treatment abroad for an unspecified condition. On June 2, the Government released Tojiboyeva from prison on health grounds but did not amnesty her; she remained subject to the terms of a three-year suspended sentence, which included travel restrictions. In 2006 a court sentenced her to eight years in prison on politically motivated charges.

Family members of Sanjar Umarov, a cofounder of the opposition Sunshine Coalition sentenced to 10 years' imprisonment in 2006 on politically motivated charges of tax evasion and illegal commodities trading, reported that his health deteriorated sharply during the year and that his body showed signs of mistreatment. The family also reported difficulties locating Umarov, whom authorities transferred from a prison in Navoi region to the Tavaksay prison in Tashkent region. Credible reports indicate that the Government has begun to take some steps to address Umarov's poor health.

Civil courts operate on the city or district level, as well as the interdistrict and provincial levels. Criminal courts operate on the city or district level. There are also supreme civil courts with jurisdiction over the Karakalpakstan Autonomous Republic.

Economic courts with jurisdiction over the individual provinces, the City of Tashkent, and the Karakalpakstan Autonomous Republic handle commercial disputes between legal entities. Decisions of these courts may be appealed to the Supreme Economic Court.

Civil and Judicial Procedures and Remedies.—Although the constitution provides for it, the judiciary is not independent or impartial in civil matters. Citizens may file suit in civil courts, if appropriate, on cases of alleged human rights violations. There were reported cases in which courts decided in favor of plaintiffs in such cases. However, there were also many reports that bribes to judges influenced decisions in civil court cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence; however, in practice authorities did not respect these prohibitions. The law requires a search warrant for electronic surveillance by the prosecutor, but there is no provision for a judicial review of such warrants. Citizens generally assumed that security agencies routinely monitored telephone calls and employed surveillance and wiretaps of persons involved in opposition political activities.

There were numerous reports during the year of police and other security forces entering homes of human rights activists and religious figures without a warrant authorization from a representative of an independent judiciary. Members of Protestant churches who held worship services in private homes reported that on numerous occasions armed security officers raided worship services and detained church members on suspicion of illegal religious activity. During the year there were reports of government authorities harassing Andijon refugees' relatives who remained in Uzbekistan.

The Government continued to use an estimated 12,000 local mahalla committees as a source of information on potential extremists. Committees served varied social support functions, but they also functioned as a link among local society, government, and law enforcement. Mahalla committees in rural areas tended to be much more influential than those in cities. Each committee assigned a "posbon" (neighborhood guardian) whose job was to ensure public order and maintain a proper moral climate in the neighborhood. Neighborhood committees also frequently identified for police those residents who appeared suspicious and, working with local MOI and NSS representatives, reportedly paid particular attention to recently amnestied prisoners and the families of individuals jailed for alleged extremism. During the year there were also several reports that neighborhood committees, on orders from the NSS, monitored individual religious practices and discouraged residents from associating with unregistered Christian churches.

There were credible reports that police, employers, and neighborhood committees harassed family members of human rights activists.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and the press, but the Government generally did not respect these rights in practice, and freedom of expression was severely curtailed.

The law limits criticism of the President, and public insult to the President is a crime punishable by up to five years in prison. The law specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order.

A January 2007 law holds all foreign and domestic media organizations accountable for the “objectivity” of their reporting, bans foreign journalists from working in the country without official accreditation, and requires that foreign media outlets operating in the country be subject to mass media laws. It also prohibits the promotion of religious extremism, separatism, and fundamentalism, as well as the instigation of ethnic and religious hatred. It bars legal entities with more than 30 percent foreign ownership from establishing media outlets in the country.

During the year police reportedly arrested some individuals for possessing literature of the banned religious extremist, anti-Semitic, and anti-Western group HT.

The Uzbekistan National News Agency (UzA) is charged with cooperating closely with Presidential staff to prepare and distribute all officially sanctioned news and information. In November UzA reported that over 1,100 newspapers, magazines, news agencies, electronic media outlets, and Web sites have been registered with the Uzbek Agency for Press and Information, which is responsible for monitoring all media. The Cabinet of Ministers owns and controls three of the country’s most influential national daily newspapers, *Pravda Vostoka* (Russian language), *Halq So’zi* (Uzbek language), and *Narodnoe Slovo* (Russian language). The Government, or government-controlled political parties or social movements, and the Tashkent municipal government and regional “hokimiyats” (administrations), owns or controls several other daily and weekly publications. Articles in state-controlled newspapers reflected the Government’s viewpoint. The main government newspaper published selected international wire stories.

The Government also published news stories on official Internet sites including UzA.uz, operated by the National News Agency of Uzbekistan, and *Jahon.mfa.uz*, operated by the Ministry of Foreign Affairs (MFA). A few Web sites, most notably *Press-uz.info*, *Gazeta.uz*, and *C-Asia.org*, purported to be independent, yet their reporting reflected the Government’s viewpoint. In mid-May *Sawda Press*, an independent newspaper in Karakalpakstan, resumed publication after a government-ordered suspension in March 2007 due to alleged violations of its own charter.

There are 1,300 printing houses in the country. government-owned printing houses printed the majority of newspapers. The Government allowed publication of a few private newspapers with limited circulation containing advertising, horoscopes, and similar features and some substantive local news, including stories critical of government socio-economic policies. Three private national Russian-language newspapers—*Novosti Uzbekistana*, *Noviy Vek*, and *Biznes Vestnik Vostoka*—carried news and editorials favorable to the Government, as did two Uzbek-language newspapers, *Hurriyat* (owned by the Journalists’ Association) and *Mohiyat* (owned by *Turkiston-Press*, a nongovernmental information agency loyal to the state). Russian newspapers and a variety of Russian tabloids and lifestyle publications were available, and a modest selection of foreign periodicals was available in Tashkent.

The four state-run channels, all fully supporting the Government, dominated television broadcasting. There were 24 privately owned regional television stations and 14 privately owned radio stations. The Government tightly controlled broadcast and print media. Journalists and senior editorial staff in state media organizations reported that there were officials whose responsibilities included actual black-pen censorship. Government officials also have allegedly given verbal directives not to cover certain events sponsored by foreign embassies. Nevertheless, there were also reports that regional television media outlets were able to broadcast some moderately critical stories on local issues.

In October government officials participated in a Tashkent conference on media freedom sponsored by the European Union (EU), part of an annual discussion of human rights issues. Although credible human rights organizations from abroad participated and strongly criticized the Government, authorities refused to allow local independent journalists and human rights activists to participate in the event. The EU tried to hold a similar event in June, but the Government did not allow international human rights organizations or domestic independent journalists to participate.

The Government continued to refuse Radio Free Europe/Radio Liberty (RFE/RL) and BBC World Service permission to broadcast from within the country. It also refused to accredit foreign journalists for those or other Western media. In July the

Government denied accreditation to several longtime local stringers for Western new agencies, forcing them to seek work outside the country. A stringer for Agence France-Presse (AFP) remained accredited in Uzbekistan, as did reporters from Russian, Chinese, and other international news agencies.

In June state television aired an hour-long program that attacked RFE/RL reporters and denounced them as traitors. The program singled out nine RFE/RL journalists by name and released personal information about them and their extended families, including their home addresses and places of work.

Harassment against journalists continued during the year. Police and security services subjected print and broadcast journalists to arrest, harassment, intimidation, and violence, as well as bureaucratic restrictions on their activity.

On August 5, a group of women in Samarkand allegedly attacked two journalists of the Ovozi Tojik (Tajik Voice) newspaper, Pardakul Turakulov and Zokir Hasan-zade, and human rights activist Komil Ashurov, as the three were investigating complaints about the reconstruction of the city's Siab market. Despite being the alleged victims, police launched a criminal case on hooliganism charges against the three. At year's end, the criminal investigation against them was ongoing.

On October 10, a court convicted independent journalist Salijon Abdurahmanov in Nukus, Karakalpakstan, of possessing narcotics with intent to distribute and sentenced him to 10 years' imprisonment. On November 19, Abdurahmanov's appeal of his sentence was rejected without explanation. On June 7, government authorities detained Abdurahmanov after allegedly discovering drugs during a search of his vehicle. Abdurahmanov's arrest came soon after an increase in critical reporting on Karakalpak corruption and human rights abuses on uznews.net and in Western newspapers. Human rights activists claimed the drugs were planted and the charges were politically motivated.

During the year there were reports that the Government harassed journalists from state-run media outlets in retaliation for their contacts with foreign diplomats. Some journalists lost their jobs after traveling to Europe on foreign-embassy-sponsored professional exchange programs, while others reported increased scrutiny after returning from such international exchange programs. While pressure from the Government continued, more journalists were able to participate this year at foreign embassy events in Tashkent.

The National Association of Electronic Mass Media (NAESMI) reportedly used its directors' close relations with the Government to persuade local television stations to join the association and occasionally broadcast prescribed government-produced programming. The Government subjected stations that resisted joining NAESMI to tax inspections and, in some cases, forfeiture of broadcast licenses.

Government security services and other offices regularly gave publishers articles and letters to publish under fictitious bylines, as well as explicit instructions about the types of stories permitted for publication. Often there was little distinction between the editorial content of a government or privately owned newspaper. There was little independent investigative reporting. The number of critical newspaper articles remained low and their scope narrow. In contrast to previous years, however, state-controlled media outlets in the past year ran numerous programs and articles regarding human trafficking, with several of them admitting that it was a problem and warning citizens not to become victims.

Provisions of the criminal and administrative codes impose significant fines for libel and defamation. The Government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the President or government.

Internet Freedom.—The Government allowed access to the Internet and reported in November that the number of Internet users in the country is rising and has reached more than 2 million. However, Internet service providers, at the Government's request, routinely blocked access to Web sites the Government considered objectionable. The Government blocked several domestic and international news Web sites and those operated by opposition political parties; some remained available through proxy servers, while a few remained unblocked.

January 2007 amendments to the media law define Web sites as media outlets, so they fall under legislation requiring all local and foreign media to register with the authorities and to inform them of the names of their founder, chief editor, and staff members. They also must provide the authorities with copies of each publication. According to local journalists, since the amended law came into force, Internet providers started blocking access to blogs that discuss any aspect of the country.

In 2006 the Cabinet of Ministers passed a decree requiring that all Web sites seeking a ".uz" domain register with the state Agency for Press and Information. The decree generally affected only government-owned or government-controlled Web

sites. Opposition Web sites and those operated by international NGOs or media outlets tended to have domain names registered outside the country.

In January the Government ceased blocking the Web sites of ZdravPlus, the National Democratic Institute, the Open Dialogue Project, Bearing Point, and other organizations. In September the Government ceased blocking the Internet video Web site youtube.com.

Academic Freedom and Cultural Events.—The Government continued to limit academic freedom, although it appeared more open to interaction with foreign institutions than in the past. Authorities sometimes required department head approval for university lectures or lecture notes, and university professors generally practiced self-censorship. Numerous university students reported that universities taught mandatory courses on “Karimov studies” devoted to books and speeches by the President and that missing any of these seminars constituted grounds for expulsion. Although a decree prohibited cooperation between higher educational institutions and foreign entities without explicit prior approval by the Government, foreign institutions were often able to obtain such approval by working with the MFA, especially for foreign language projects. Some school and university administrations continued to pressure teachers and students not to participate in conferences sponsored by diplomatic missions. There were a few instances of individuals choosing not to participate in international exchange programs after being threatened with the loss of their jobs, but there were no reports of individuals losing their jobs after participating in such programs. There were fewer reports this year that government officials pressured local nationals to prevent them from participating in cultural events sponsored by foreign diplomatic missions.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, but in practice the Government often restricted this right. Authorities have the right to suspend or prohibit rallies, meetings, and demonstrations on security grounds. The Government did not routinely grant the required permits for demonstrations. Citizens are subject to large fines for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials, as well as for violating procedures concerning the organizing of meetings, rallies, and demonstrations.

Authorities used a variety of tactics to prevent or stop peaceful protests. In February authorities in Jizzakh Province initiated a campaign of threats and pressure against human rights activist Saida Kurbanova, who staged protests in Jizzakh in January and February demanding a solution to regional heating and electricity problems.

On March 13, approximately 20 individuals physically assaulted members of the Human Rights Alliance during the latter’s weekly protest outside the general prosecutor’s office in Tashkent. Police reportedly observed the assault but did not intervene. An unidentified group assaulted the activists again the following week. Authorities arrested the protesters when they summoned the police for assistance, and several reportedly received administrative fines for “resisting arrest” and “disobeying a law enforcement officer.” After the incidents, the Human Rights Alliance abandoned its weekly protest, which it had been holding since December 2007.

In several other cases, however, human rights activists reported that local residents protested economic conditions, and human rights activists themselves occasionally held small protests, unmolested and apparently without prior permission of the authorities.

Freedom of Association.—While the law provides for freedom of association, the Government continued to restrict this right in practice. The Government sought to control NGO activity, often citing the role played by internationally-funded NGOs in promoting so-called “color revolutions” that allegedly toppled governments in other former Soviet states, as well as concerns about Islamic fundamentalist groups. The law broadly limits the types of groups that may form and requires that all organizations be registered formally with the Government. The law allows for a six-month grace period for new organizations to operate while awaiting registration, during which time they are classified officially as “initiative groups.” Several NGOs continued to function as initiative groups for periods longer than six months. The Government allowed nonpolitical associations and social organizations to register, but complicated rules and a cumbersome government bureaucracy made the process difficult and allowed many opportunities for government obstruction. The Government compelled most local NGOs to register with a government-controlled NGO association, the purpose of which was to control all funding and activities.

On December 17, President Karimov signed legislation appropriating money for a 2.1 billion soum (approximately \$1.5 million) government fund to support NGOs and other civil society institutions. The fund is to be managed by a parliamentary

commission consisting of deputies of both houses, experts from relevant ministries and departments, and representatives from NGOs and the media. Some observers argued that the Government actions are aimed at increasing the dependence of NGOs upon the state. However, some sources have reported that independent organizations will be able to apply for funding. In January 2007 President Karimov signed legislation guaranteeing certain rights and freedoms to NGOs, including the right to conduct "any type of activity not prohibited by law and in line with the purposes set by their charters." The legislation also prohibits interfering with the activities of such organizations, provides for property rights and the rights of NGOs to "to seek, receive, research, disseminate, use, and keep information in accordance with legislation."

The administrative liability code imposes large fines for violations of procedures governing NGO activity, as well as for "involving others" in illegal NGOs. The law does not specify whether "illegal NGOs" are those that were forcibly suspended or closed or those that were simply unregistered. The administrative code also imposes penalties against international NGOs for engaging in political activities, activities inconsistent with their charters, or activities not approved in advance by the Government. The Government enforced the 2004 banking decree that, although ostensibly designed to combat money laundering, complicated efforts by registered and unregistered NGOs to receive outside funding. There were reports that individuals receiving money from organizations in other countries were required to identify the source and the reason for the money transfer to the bank.

The law criminalizes membership in organizations the Government deems extremist, including Tablighi Jamaat and other groups branded with the general term "Wahhabi." The law also banned the extremist Islamist political organization Hizb-ut Tahrir (HT) for promoting hate and praising acts of terrorism. Although HT maintained that it was committed to nonviolence, the party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

The Government has pressured and prosecuted members of the Islamic group Akromiya (Akromiylar) since 1997. Independent religious experts claimed that Akromiya was an informal association promoting business along Islamic religious principles. The Government claimed that it was a branch of HT and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the Government through armed rebellion in the 2005 Andijon demonstrations.

In February government authorities registered the Friedrich Naumann Foundation, an NGO affiliated with Germany's Free Democratic Party that has engaged in human rights work in other countries. It joined two similar foundations affiliated with German political parties already registered and operating in the country.

For the first time since the 2005 Andijon events, authorities registered two U.S.-based international NGOs. On July 4, the MOJ announced the formal registration of the NGO Institute for New Democracies (IND), permitting the organization to operate for an unlimited time. During the year IND held several workshops and trainings involving high-level government officials and international experts on religious freedom and on implementation of habeas corpus legislation. The government-supported Foundation for Regional Policy and Institute of Civil Society Studies, as well as the Ministry of Justice and Eastern Kentucky University, co-sponsored some events. IND also conducted regional trainings on the habeas corpus law in November in Nukus, Andijon, and Samarkand. IND had previously operated in the country without formal registration.

On December 29, authorities registered the U.S.-based National Democratic Institute (NDI). While registration was pending, NDI's office in Tashkent had conducted trainings for political parties and others throughout the year.

In July the Government banned the HRW country director, Igor Vorontsov, from re-entering the country. On May 8, the MOJ rejected his application for accreditation, forcing the departure of Vorontsov, who had only arrived on February 6. HRW retained its registration, but its office had been effectively closed since July 2007 when the Government refused to renew the accreditation of the last foreign staff member in the country at the time.

On December 1, the MOJ re-registered the American Jewish Joint Distribution Committee (JDC), which distributes humanitarian aid to those in need. In April a Ministry official publicly accused the JDC of violating Uzbek law and threatened to de-register the organization.

None of the 17 or more foreign-funded organizations closed temporarily or permanently by court decisions in 2006 and 2007 reopened during the year. A knowledgeable observer reported that the Government closed more than 300 local NGOs in the last four years. During the year at least eight local NGOs have closed, although it is unclear whether they voluntarily disbanded or were forced to close. There are

at least 300 independent NGOs remaining in Uzbekistan, as well as approximately 290 government-controlled NGOs ("GONGOs") and 240 sport and professional organizations.

The Government followed a policy of auditing all international NGOs. Generally following an audit, the MOJ sent each audited NGO a letter outlining the violations discovered during the process, with a 30-day time limit to resolve the violations.

The Government insisted that NGOs coordinate their training sessions or seminars with government authorities. NGO managers believed this amounted to a requirement for prior official permission from the Government for all NGO program activities. NGOs under the auspices of the government-controlled Institute for the Study of Civil Society successfully conducted their events.

c. Freedom of Religion.—The constitution provides for freedom of religion and separation of church and state. In practice, however, the Government and laws restricted religious activity, especially for unregistered groups.

The Government sought to promote what it considered a moderate version of Islam through the control and financing of the Muftiate, which in turn controlled the Islamic hierarchy and the content of imams' sermons, and published Islamic materials. The Committee for Religious Affairs (CRA), under the Cabinet of Ministers, oversaw registered religious activity and approved all religious literature. The Government allowed a small number of unofficial, independent mosques to operate under the watch of government-sanctioned imams.

The country's 1998 Religion Law requires all religious groups and congregations to register and provides strict and burdensome registration criteria, including that each group present to the MOJ a list of at least 100 national citizen members and that a congregation already have a valid legal address. These and numerous other provisions enabled the Government to cite technical grounds for denying a group's registration petition, such as grammatical errors in a group's charter. These provisions mostly affected small, unregistered congregations, especially those who are viewed as being engaged in missionary activity, which is illegal. In contrast, registered minority congregations faced fewer restrictions on their activities.

Numerous small Protestant churches remained unregistered, including churches in Tashkent, Chirchiq, Samarkand, Nukus, Gulistan, Andijon, and Gazalkent. Most did not apply because they did not expect local officials to register them, or because they had too few members to qualify for registration. Often they were afraid to give the authorities a list of their members, especially ethnic Uzbeks. Some Protestant churches attempted to register this past year and either were denied registration or received no response from authorities. No Baptist church has registered successfully since 1999. No Protestant churches are registered in Karakalpakstan. Jehovah's Witnesses applied for registration at local, regional, and national levels and received either denials or no official answer. Only one Jehovah's Witnesses congregation is registered. In contrast, authorities agreed to register and allow construction of a new Orthodox church in Khorezm province this year.

Any religious service conducted by an unregistered religious organization is illegal. Police frequently broke up meetings of unregistered groups, which were generally held in private homes, occasionally detaining and beating members of these groups.

Proselytizing is a crime, as is the teaching of religion without state approval. These provisions resulted in several prosecutions. Jehovah's Witnesses came under particular scrutiny and faced arbitrary fines, arrest, and imprisonment on charges of proselytizing or illegally teaching religion.

Christian congregations that included members of traditionally Muslim ethnic groups often faced official harassment, legal action, or, in some cases, mistreatment.

On July 8, a Navoi court fined Jehovah's Witnesses Guldara Artykova and Tursuna Yuldasheva for allegedly refusing to testify at court. On May 30, police in Navoi came to Artykova's home and detained her and Yuldasheva, after seizing religious literature. The women were brought to a police station, where officers beat Yuldasheva, reportedly causing numerous bruises and a concussion. Police released the women the following morning after authorities confiscated their passports.

On July 23, authorities sentenced two Jehovah's Witnesses from Margilan, Abdubanob Ahmedov and Sergei Ivanov, to four years and three and one-half years' imprisonment respectively for allegedly teaching religion illegally. Courts also gave three-year suspended sentences to three other Margilan-based Jehovah's Witnesses, Raya Litvinenko, Svetlana Shevchenko and Aziza Usmanova. Two other Jehovah's Witnesses from Samarkand remained in prison: Irfan Hamidov, sentenced in May 2007 to two years in a labor camp on criminal charges of illegally teaching religion, and Olim Turayev, sentenced on April 25, to four years' imprisonment on criminal charges of illegally teaching religion and organizing an illegal religious group.

On September 26, authorities released Aitmurat Khayburahmanov from custody after a judge in Karakalpakstan dismissed the religious extremism charges against him. Authorities also granted him amnesty on the charge of teaching religion illegally. On June 14, authorities arrested and beat Khayburahmanov, a Protestant from Nukus.

At year's end Pastor Dmitry Shestakov-leader of a registered Full Gospel Pentecostal congregation-remained in a Navoi labor camp serving a four-year sentence for his March 2007 convictions on charges of organizing an illegal religious group, inciting religious hatred, and distributing religious extremist literature. The Government refused to extend the January amnesty to Shestakov on allegations that he violated internal prison regulations.

Most Muslims arrested on political charges were tried for anticonstitutional activity and participating in "religious extremist, separatist, fundamentalist, or other banned organizations," a charge that encompasses both political and religious extremism. The overwhelming majority of those arrested on this charge were accused of HT membership. The Government also arrested members of other groups that it broadly labeled Wahhabi.

The Government continued to commit serious abuses in its campaign against extremist organizations such as HT. However, knowledgeable observers note that the Government may have recognized that the limits it placed on other avenues of religious fulfillment correlate directly with the success of extremist organizations in attracting membership. Even as mosque attendance and open religiosity increased, the number of known cases of arrest, detention, or conviction based on alleged membership in religious extremist organizations appeared to decline for the second consecutive year.

Authorities severely mistreated persons arrested on suspicion of extremism. While there were several reports of prison conditions improving for those convicted of religious extremism, abuses continued. Most defendants received sentences ranging from three to 14 years; some received sentences of 16–20 years.

Prison authorities reportedly denied many prisoners suspected of Islamic extremism the right to practice their religion freely and, in some circumstances, did not allow them to possess a Koran. Authorities reportedly punished with solitary confinement and beatings inmates who attempted to fulfill their religious obligations despite prison rules, or who protested the rules themselves.

In September authorities extended the sentence for religious extremism of Habibullah Madmarov, son of Margilan-based human rights activist Akhmadjan Madmarov, by an additional 16^o years after convicting him of forming an extremist conspiracy while in prison in Navoi province. Authorities reportedly also convicted 36 other inmates at the same prison and extended their sentences by between 16 and 20 years each. In April authorities arbitrarily lengthened Habibullah's sentence by three-and-a-half years on the grounds that he remained a danger to society. Habibullah completed his original sentence in February. On June 26, authorities released another of Madmarov's sons on parole after he completed a seven-year sentence, but one other son and two nephews of Akhmadjan Madmarov remained in prison; all were charged with religious extremism.

There were no updates in the numerous cases of individuals convicted of membership in HT and other extremist organizations in 2007 and 2006.

The law limits religious instruction to officially-sanctioned religious schools and state-approved instructors and does not permit private instruction or the teaching of religion to minors without parental consent. While the country has several functioning institutions that train clergy, there are very few options for those wishing to learn about their faith without pursuing a career in a religious institution.

In December officials held meetings at schools and universities in several regions on the alleged danger posed to the country by "missionary and extremist movements." The officials reportedly discussed how it was "necessary to fully root out missionary activities, which are rapidly spreading across the world, as well as warn young people of the negative effects of missionary activities."

The Government controlled the publication, importation, and distribution of religious literature, discouraging and occasionally blocking the production or importation of literature that religious censors deemed objectionable. The Government required a statement in every domestic publication indicating the source of its publication authority. Possession of literature deemed extremist could lead to arrest and prosecution. Illegal production, storage, importation, or distribution of religious materials could result in fines of 100 to 200 times the minimum monthly wage or "corrective labor" of up to three years. The Government confiscated and destroyed religious literature imported illegally. The Government continued to impound thousands of religious books and brochures that the Uzbekistan Bible Society attempted to import into the country in May, claiming that the Society had failed to notify au-

thorities properly about the shipment. Other criminal and administrative codes punish the production and distribution of "literature promoting racial and religious hatred."

There were no reports of arrests or harassment of Muslim believers based on outward expressions of their religious belief such as beards, veils, or mosque attendance. The law prohibits wearing "cult robes" (religious clothing) in public except by those serving in religious organizations. In practice, this provision did not appear to be enforced. Many sources reported an improved atmosphere in the Muslim community, with many mosques overflowing for lack of space during Friday prayer. Observant Muslims appeared to be able to display their faith in public more freely.

Societal Abuses and Discrimination.—Society is generally tolerant of religious diversity but not of proselytizing. In particular, Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. Other minority religious groups, especially churches with ethnic Uzbek converts, encountered difficulties stemming from social prejudices. There were persistent reports of discrimination against and harassment of ethnic Uzbek Muslims who converted to Christianity. State-controlled media in some cases encouraged societal prejudice against certain minority religious groups. On May 17, Uzbek TV's First Channel broadcast an Uzbek-language documentary that condemned several churches for their missionary activity. The program also cited instances in which missionaries allegedly had used psychotropic drugs and hypnosis to attract recruits and alleged that missionaries targeted youth and the mentally handicapped for recruitment. Articles in the state-controlled print media at the time echoed these attacks.

There were no reports of anti-Semitic acts or patterns of discrimination against Jews. There were eight registered Jewish congregations, and observers estimated the Jewish population to be approximately 15,000–20,000 persons, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers were declining due to emigration, largely for economic reasons. There were no reports during the year of HT members distributing anti-Semitic fliers.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees and Stateless Persons.—The constitution and law provide for free movement within the country and across its borders, although the Government limited this right in practice. Permission from local authorities is required to move to a new city. The Government rarely granted permission to move to Tashkent, and local observers reported that persons had to pay bribes of up to 100,000 soum (approximately \$72) to obtain registration documents required to move.

The Government required citizens to obtain exit visas for foreign travel or emigration, and while it generally granted the visas, local officials often demanded a small bribe. There were reports during the year of the Government's withholding exit visas from human rights activists to prevent their travel abroad. The Government also limited activists' freedom of movement within the country. A government registration system required citizens to obtain a special stamp from local authorities in their place of residence to leave the country. Citizens generally continued to be able to travel to neighboring states, and the stamp requirement was not uniformly enforced. Land travel to Afghanistan, however, remained difficult, as the Government maintained travel restrictions on large parts of Surkhandarya Province bordering Afghanistan, including the border city of Termez. Citizens needed permission from the NSS to cross the border, while Afghans did not need permission, aside from a visa, to enter the country to trade.

Foreigners with valid visas generally could move within the country without restriction, but visitors required special permission to travel to Surkhandarya Province. During the year there were reports of authorities refusing entry to the country to foreigners with valid visas. On May 19, the Government issued a decree that toughened regulations for foreigners staying in the country and made it easier for the Government to deport them.

On August 10, authorities forcibly deported Birlik opposition party leader and Uzbek citizen Pulat Akhunov to Kyrgyzstan, reportedly abducting Akhunov, driving him across the border, and dropping him off outside Bishkek without money or identification. He had traveled to Andijon from Sweden in March 2007 to apply for a new passport, as regulations require citizens to renew their passports at 25 and 45 years of age. Authorities refused to renew the passport, rendering Akhunov unable to return to Sweden. Before his deportation, government authorities frequently detained Akhunov when he attempted to leave Andijon Province. He has since returned to Sweden.

The law does not explicitly prohibit forced exile, but the Government did not employ it. At year's end several opposition political figures and human rights activists remained in voluntary exile.

Emigration and repatriation were restricted in that the law does not provide for dual citizenship. In practice returning citizens had to prove to authorities that they did not acquire foreign citizenship while abroad, or face prosecution. In practice citizens often possessed dual citizenship and traveled without issue.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. As in the previous year, there were reported cases of the Government forcibly removing Afghan refugees from the country. In practice the Government did not cooperate with the UN High Commissioner for Refugees (UNHCR) in allowing it to provide assistance to refugees and asylum seekers.

During the year the UN Development Program (UNDP) continued to assist with monitoring and resettlement of the approximately 870 Afghan refugees who remained in the country. UNDP also performed some of UNHCR's humanitarian functions, as it has done since the Government forced the UNHCR office to close in 2006. UNHCR assisted Uzbek refugees who had fled into Kyrgyzstan following the 2005 unrest in Andijon.

During the year the harassment of Afghan refugees continued, with reports that several of them were forcibly returned to Afghanistan. In March 2007 the MFA informed UNDP that UNHCR mandate certificates would not be considered as the basis for extended legal residence, and persons carrying such certificates must apply for the appropriate visa or face possible deportation. The Government considered the Afghan and Tajik refugee populations economic migrants and subjected them to harassment and bribery. Most Tajik refugees were ethnic Uzbeks; unlike their Afghan counterparts, Tajik refugees were able to integrate into and were supported by the local population. Although most Tajik refugees did not face societal discrimination, many of them were officially stateless or faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajik or Uzbek passports.

UNHCR reported that Afghan refugees had no access to the legal labor force and, therefore, had limited means to earn a livelihood.

During the year the Government pressured several other countries to return forcibly citizens who were under UNHCR protection abroad. On May 14 Kyrgyzstan extradited Uzbek asylum-seeker Erkin Holikov to the country under pressure from the Government. Holikov was serving a four-year prison sentence in Kyrgyzstan on charges of illegal border crossing and failing to report a crime. Holikov faces charges of anticonstitutional activity and religious extremism.

In March a court in Namangan Province sentenced Abdugani Kamaliev to 11 years' imprisonment for religious extremism. Russian authorities had deported Kamaliev from the country in December 2007 despite objections from the European Court of Human Rights (ECHR) that he might be subjected to torture.

On November 10, the court ordered Russia not to extradite two Uzbek refugees—Abdullajon Isakov and Abdumutallib Karimov—arguing that they potentially faced persecution for their religious convictions, torture, and arbitrarily long prison terms. Russian prosecutors issued extradition orders for Isakov on August 13 and Karimov on September 18. Russian authorities detained Isakov in Tyumen in March and Karimov in Yoshkar-Ola in June after the Uzbek government issued warrants for their arrest.

On December 9, a court in Kyiv ruled that Uzbek citizen Abdumalik Bakayev could not be extradited. The Ukrainian court cited an April 24 decision by the ECHR (*Ismoilov and Others vs. Russia*) that the extradition of individuals to Uzbekistan violated Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms due to the routine occurrence of police brutality. Bakayev reportedly asked the Ukrainian migration service to grant him refugee status in November, claiming that he was previously convicted twice for HT membership and tortured in Uzbekistan.

On December 12, the ECHR ruled that Russian authorities had violated the rights of an Uzbek citizen, Rustam Mominov, by extraditing him to Uzbekistan, where he was convicted of HT membership and is now imprisoned, while his appeal was still pending at the ECHR. Under ECHR regulations, individuals who have appealed to the Court cannot be extradited from a country without prior warning.

On December 15 the ECHR ruled in favor of the “Ivanovo Uzbeks,” a group of 13 ethnic Uzbeks who fled from Uzbekistan in 2005 after their arrest in connection with violent unrest in Andijon in May 2005. The ECHR ordered authorities to allow the Ivanovo Uzbeks to go to Sweden, and also ordered the Government to pay each man 15,000 euros in restitution. The Russian government had not complied at year’s end.

There were no developments in the following refoulement cases: the June 2007 detention and transfer to Russian authorities for deportation of Uzbek asylum-seeker Mukhamadsolikh Abutov by apparent Uzbek NSS members outside Moscow; and the August 2007 order of a Moscow district court for extradition of Yashin Dzhurayev, who claimed that he had been persecuted for religious reasons in the country.

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

The constitution and law provide citizens with the right to change their government. In practice this was not possible through peaceful and democratic means. The Government severely restricted freedom of expression and suppressed political opposition. The Government was highly centralized and ruled by President Karimov and the executive branch through sweeping decree powers, primary authority for drafting legislation, and control of government appointments, most of the economy, and the security forces.

Elections and Political Participation.—On January 16, President Karimov swore himself in for a third term as President after being reelected in December 2007 in a process that fell short of international democratic norms. The OSCE limited election observation mission (LEOM) noted that there were more candidates than in previous elections—four, including a female candidate and a nonpartisan candidate nominated by an initiative group—but all candidates publicly endorsed the incumbent’s policies. In addition, there was no competition of political views, administrative hurdles kept other potential candidates off the ballot, and the Government tightly controlled the media. The LEOM noted procedural problems and irregularities in vote tabulation.

The constitution prohibits Presidents from seeking a third term in office, an apparent contradiction never publicly addressed by the Government. The OSCE declined to monitor the 2000 election in which President Karimov was reelected to a second term, determining preconditions did not exist for it to be free and fair. A 2002 referendum, which multilateral organizations and foreign embassies also refused to observe, extended Presidential terms from five to seven years.

In August 2007 President Karimov announced that the next parliamentary elections would be held in 2009. The OSCE found that the 2004 elections for the lower house of the parliament fell significantly short of international standards for democratic elections, resulting in the majority of seats being held by progovernment political parties.

The total number of registered political parties decreased from five to four in June after the Milliy Tiklanish (“National Rebirth”) party absorbed the Fidokorlar (“Selfless”) party. The three remaining registered parties are the People’s Democratic Party of Uzbekistan (PDP), the Adolat (“Justice”) Social-Democratic Party, and the Liberal Democratic Party of Uzbekistan. The Government controlled all registered political parties and provided funding.

The law allows independent political parties, but it also gives the Ministry of Justice (MOJ) broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government.

The law makes it extremely difficult for genuinely independent political parties to organize, nominate candidates, and campaign. To register a new party requires 20,000 signatures. The procedures to register a candidate are burdensome. The law allows the MOJ to suspend parties for up to six months without a court order. The Government also exercised control over established parties by controlling their financing.

On December 29, President Karimov signed legislation that abolished provisions allowing independent initiative groups to nominate candidates for parliamentary and Presidential elections. Only registered political parties may now nominate candidates. The law also expanded the number of deputies in parliament’s lower house (the Oliy Majlis) from 120 to 150, with half of the new seats reserved for members of the new “Ecological Movement of Uzbekistan.”

The law prohibits judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; those

that promote war, or social, national, or religious hostility, and those that seek to overthrow the Government.

The Birlik opposition political party has applied to the MOJ for registration several times in previous years, but it has never received a response. Birlik members were among those arrested and detained in connection with the 2005 Andijon events. The leaders of three of the five main unregistered opposition political parties—Mohammed Solikh of Erk (convicted on terrorism charges in absentia in 1999), Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party—remained in voluntary exile. The leader of a fourth opposition party—Bokhodir Choriyev of Birdamlik—also resides abroad. One of the cofounders of the fifth unregistered opposition party—Sanjar Umarov of the Sunshine Coalition—remains in prison.

Before the number of deputies was expanded in late December, there were 21 women in the 120-member lower chamber of the parliament and 15 women in the 100-member senate. There was one woman in the 28-member cabinet.

There were nine members of ethnic minorities in the lower house of parliament and 15 minorities in the senate. The number of members of ethnic minorities in the cabinet was unknown.

On October 15–16, government officials, including representatives from the registered political parties, attended a conference on democratic elections co-hosted by a government-supported NGO, the Foundation for Regional Policy, and international organizations promoting democratization.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. In October, the MOJ reported that 48 government officials were convicted of criminal charges, including corruption, and 793 officials were convicted of administrative offences during the first nine months of the year. In addition, disciplinary charges were reportedly brought against 4,863 officials, and 327 officials were removed from their posts.

Even so, the Government did not always implement anticorruption legislation effectively, and officials frequently engaged in corrupt practices with impunity. It was generally accepted that applicants could buy admission to prestigious educational institutions with bribes. Likewise, corruption was a severe problem in the law and traffic enforcement systems, and there were several reports that bribes to judges influenced the outcomes of civil suits. However, there were several reports of authorities removing local administrative or police officials from office in response to charges of corruption.

On July 7, President Karimov signed a law to ratify the United Nations Convention Against Corruption.

The law states that all government agencies must provide citizens with the opportunity to examine documents, decisions, and other materials affecting their freedoms. In practice the Government seldom respected these rights. The public generally did not have access to government information, and information normally considered in the public domain was seldom reported.

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

A number of domestic human rights groups operated in the country, although they were hampered by a fear of official retaliation. The Government frequently harassed, arrested, and prosecuted human rights activists.

Two domestic human rights NGOs—Ezgulik and the Independent Human Rights Organization of Uzbekistan—were registered with the Government. Others were unable to register but continued to function at both the national and local levels. Organizations that attempted to register in previous years and remain unregistered include the HRSU, Mazlum (“Oppressed”), and Mothers against the Death Penalty and Torture. The Government denied registration for a variety of reasons, including grammatical errors in applications. These organizations did not exist as legal entities but continued to function, although they had difficulty renting offices or conducting financial transactions and could not open bank accounts, making it virtually impossible to receive funds legally. Operating an unregistered group was technically subject to government prosecution.

Government officials occasionally met with domestic human rights defenders, some of whom noted that they were able to resolve some cases of abuse through direct engagement with authorities. A foreign NGO continued to provide a forum for domestic human rights defenders to meet with members of the police, prison directorate, and security services. The Government increased cooperation with this NGO the year.

On November 28, the independent Ezgulik human rights group held a conference, attended by approximately 40 activists and a government official, which evaluated the Government’s recent legal reforms and their implementation. One participant

observed this was the first such conference an independent human rights group had conducted in Tashkent since the 2005 Andijon events. The National Human Rights Center also assisted an independent human rights activist to conduct human rights trainings at several schools in Tashkent province during the fall.

Police and security forces continued to harass domestic human rights activists and NGOs during the year. Security forces regularly threatened and intimidated human rights activists to prevent their activities and dissuade them from meeting with foreign diplomats, and occasionally police and other government authorities ordered activists to cease contact with foreigners. Unknown assailants attacked human rights activists. Authorities regularly detained or arrested human rights activists and subjected them to house arrest, occasional involuntary psychiatric treatment, or false criminal charges. Additionally, government officials publicly accused specific activists of conspiring with international journalists to discredit the Government.

On October 2, a MOI officer in Gulistan arbitrarily detained human rights activist Karim Bozorbaev for over an hour after he met with foreign diplomats who were monitoring child labor in the cotton fields. The MOI officer accused Bozorbaev of being a "traitor" for meeting with the foreign diplomats and threatened to fabricate criminal charges against him. The officer hit Bozorbaev, knocking out one of his teeth. In November 2007 Bozorbaev had received a sentence of three and a half years' imprisonment on politically-motivated charges of fraud, but he was released under the January Presidential amnesty.

Since the 2005 Andijon events, the Government severely restricted the activities of international human rights NGOs and subjected their employees to frequent harassment and intimidation. Government officials and the government-controlled press frequently accused international NGOs of participating in an international "information war" against the country.

The Government continued to restrict the work of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. During the year the Government criticized some diplomats for meeting with human rights activists and members of unregistered organizations, especially those outside of Tashkent, and threatened their expulsion from the country.

The Government has not agreed to expand the OSCE office, whose mission it forced to reorganize in 2006, with a substantially reduced emphasis on human rights programming. However, OSCE representatives reported that cooperation has improved this year, with the Government approving several proposed OSCE projects, including in the Human Dimension. For the first time in three years, the Government sent a minister-level delegation to the OSCE ministerial in Helsinki, Finland in December.

In 2006 and 2007 the EU and the Government held several limited formal discussions of the Andijon events and other human rights abuses, including a May 2007 discussion under the auspices of the Joint EU/Uzbekistan Consultative Council's Subcommittee on Justice, Interior, and Human Rights. Government officials also have discussed the Andijon events with other foreign senior officials, to whom they have characterized the events as a "tragedy." However, the Government continued to ignore earlier demands by foreign governments, the UN, the OSCE, the EU, and other international organizations for an independent international investigation into the 2005 Andijon unrest. A 2005 UNHCR report on the Andijon violence concluded that "consistent, credible eyewitness testimony strongly suggests that grave human rights violations...were committed by Uzbek military and security forces...It is not excluded...that the incidents amounted to a mass killing."

The human rights ombudsman, affiliated with parliament, had the stated goals of promoting observance and public awareness of fundamental human rights, assisting in shaping legislation to bring it into accordance with international human rights norms, and resolving cases of alleged abuse. The ombudsman's office could mediate disputes between citizens who contacted it and the Government and could make recommendations to modify or uphold decisions of government agencies, but its recommendations were not binding. The ombudsman had offices in all provinces of the country, as well as in the Karakalpakstan Autonomous Republic and Tashkent. During the year the office registered more than 9,000 complaints and handled hundreds of cases, a majority of which dealt with abuse of power and various labor and social welfare issues. The ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved procedural violations and claims of abuse of power by police and local officials.

Throughout the year the ombudsman's office hosted meetings and conferences with law enforcement, judicial representatives, and limited international NGO participation, to discuss its mediation work and means of facilitating protection of human rights. In February the ombudsman visited Jizzakh Province and in April

Kashkadarya Province for discussions with regional leaders on human rights issues. In May the office held a seminar in Bukhara on legal and judicial reforms, including this year's habeas corpus amendments. In August the office and OSCE cosponsored a conference on the new habeas corpus law and how to increase cooperation among the ombudsman's office and law enforcement and judicial bodies.

The National Human Rights Center is a government agency responsible for educating the population and officials on the principles of human rights and democracy and for ensuring the Government complies with its international obligations to provide human rights information. During the year the center prepared a national report to the UN Human Rights Council for its Universal Periodic Review. International organizations reported cooperation with the center in raising awareness of recent legal reforms among government officials, including the adoption of a new antitrafficking law and International Labor Organization anti-child labor conventions.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. The constitution prohibits discrimination on the basis of race, gender, and language, but does not specifically prohibit discrimination on the basis of disability. Societal discrimination against women and persons with disabilities existed, and child abuse persisted.

Women.—The law prohibits rape, including rape of a "close relative," but the Criminal Code does not specifically prohibit marital rape, and there were no cases known to have been tried in court. Cultural norms discouraged women and their families from speaking openly about rape, and instances were almost never reported in the press.

The law does not specifically prohibit domestic violence, which remained common. While the law punishes physical assault, police often discouraged women from making complaints against abusive husbands, and abusers were rarely taken from their homes or jailed. Wife beating was considered a personal affair rather than a criminal act. Such cases were usually handled by family members or elders within the neighborhood committee and rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse. NGOs working on domestic violence reported that local government officials cooperated on education programs, with a number of initiatives to increase cooperation with neighborhood committees. Some police and religious leaders participated in NGO training.

As in past years, there were many reported cases in which women attempted or committed suicide as a result of domestic violence. Information indicates that most cases went unreported, and there were no reliable statistics on the problem's extent. Observers cited conflict with a husband or mother-in-law, who by tradition exercised complete control over a young bride, as the usual reason for suicide. NGOs assisting survivors of suicide attempts reported inconsistent cooperation from officials and neighborhood committees.

The law prohibits prostitution; however, it remained a problem, particularly among ethnic minorities. Police enforced the laws against prostitution unevenly; some police officers harassed and threatened prostitutes with prosecution to extort money.

The law does not prohibit sexual harassment. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

The law prohibits discrimination against women. In practice, traditional, cultural, and religious practices limited their role in society. Although women were underrepresented in high-level positions and in the industrial sector, in January, Dilorom Toshmuhamedova—leader of the progovernment Adolat Social-Democratic party and one of four officially recognized Presidential candidates in the December 2007 election—became the first female Speaker of the Oliy Majlis (lower house of parliament), the highest government rank ever held by a woman in the country. The Government charged a deputy prime minister at the cabinet level with furthering the role of women in society and heading the National Women's Committee.

UNDP works with the Women's Committee of Uzbekistan on the joint national project "Legislative and Institutional Capacity for Women's Empowerment in Uzbekistan." Under this project, on May 14, government and NGO representatives participated in a workshop on promotion of gender equality and implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The country presented its latest report to CEDAW in August.

Children.—The Government was generally committed to children's rights and welfare. In January the Government adopted a wide-ranging law "On the Guarantees

of the Rights of the Child” that clarifies protections for children against forced labor and includes language for the establishment of an official Ombudsman for Children.

The law provides for children’s rights and for free compulsory education for 12 years through basic and secondary school. In practice shortages and budget difficulties meant that many families had to pay education expenses. Teachers earned extremely low salaries and routinely expected regular payments from students and their parents.

In accordance with a 2007 four-year national action plan on securing child welfare, the Government continued implementation of a transition from 9-year to 12-year mandatory free secondary education, including vocational education. The Government has constructed numerous new three-year vocational schools, colleges, and lyceums in all regions of the country. Currently there are approximately 100 lyceums and 900 vocational schools offering courses to about a million students. Another 300,000 students attend the country’s 65 higher education institutions.

The Government subsidized health care, including for children, and boys and girls enjoyed equal access. As with education, low wages for doctors and poor funding of the Soviet era health sector led to a widespread system of informal payments for services; in some cases this was a barrier to access for the poor. With some exceptions, those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Child abuse was generally considered an internal family matter, and government officials were reluctant to discuss the issue openly with international organizations. In 2007 the World Health Organization (WHO) worked with the Government to develop a national Strategy for Child and Adolescent Health, which includes “Child Trauma” as a priority area and “bullying” and “family violence” as subtopics to be addressed. Elders on neighborhood committees frequently took an interest at the local level in line with the committees’ responsibilities to maintain harmony and order within the local community. There were no government-led campaigns against child abuse, although a government-led campaign against trafficking in persons included minors as a target audience.

Child marriage was not prevalent, although in some rural areas girls as young as 15 were sometimes married in religious ceremonies not officially recognized by the state. The number of women married before the age of 18 appears to have declined over time. According to a 2006 report endorsed by the UN Children’s Fund (UNICEF) and the Uzbek State Statistical Committee, 5 percent of women aged 15 to 19 were married. The same report also found that 12.5 percent of women currently aged 20 to 49 were married before they turned 18.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution.

During the cotton harvest, many school children, particularly in rural areas, were forced to work in the cotton fields.

The Government declared 2008 the “Year of Youth,” during which it increased educational expenditures and job training for young people and undertook other measures to protect the rights and interests of youth.

On December 11, President Karimov signed legislation on Uzbekistan adopting the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. On December 12, President Karimov signed legislation on Uzbekistan adopting the Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons. The Government does not fully comply with the minimum standards for the elimination of trafficking, but it made considerable efforts to do so.

On July 8, the Government adopted a national action plan, which included creation of a national interagency commission of high-level officials. The commission must meet at least quarterly to address trafficking issues and oversee implementation of national and regional activities to raise awareness, protect victims, and modify legislation. The plan followed President Karimov’s April 17 signing of antitrafficking legislation that strengthened victim protections, required the Government to provide victims with assistance, and criminalized severe forms of human trafficking, including trafficking into forced labor. In June the Government adopted the UN Protocol on Trafficking in Persons.

In September the Government amended the Criminal Code to strengthen penalties against convicted traffickers. The amendments created a new version of Criminal Code Article 135. Officially titled “Trafficking in Persons,” it formally defines and criminalizes all severe forms of human trafficking. The base punishment for first-time offenders is now three to five years in prison. The punishment is in-

creased to eight to 12 years in prison for instances of trafficking two or more people, using force or threat, recidivism, group conspiracy, abuse of official position, and cases involving the death of trafficking victims. Unlike under the previous code, amnesty is generally not granted to individuals who receive prison sentences of 10 years or more.

The country was primarily a source and, to a much lesser extent, a transit country for the trafficking of women and girls for the purpose of commercial sexual exploitation and men for labor exploitation. From 2002–07 there were only two documented transit cases in Uzbekistan. There were no reliable statistics on the extent of the problem, although NGOs and the Government reported labor trafficking was much more prevalent than trafficking for sexual exploitation and was likely rising due to poor economic conditions. While most reported cases of trafficking over the past five years have involved women, the number of men trafficked is especially difficult to enumerate.

During the year there were credible reports that women were trafficked to the United Arab Emirates (UAE), China, India, Russia, Kazakhstan, Thailand, Turkey, and Ukraine. There were also reports of victims transiting Kyrgyzstan, Kazakhstan, Georgia, and Azerbaijan for other destinations. According to a local antitrafficking NGO, most Uzbek female trafficking victims were sent to UAE and Turkey via Azerbaijan and Kazakhstan. Labor trafficking victims, mostly male, were typically trafficked to Kazakhstan and Russia to work in the construction, agricultural, and service sectors. Some transit of trafficked persons also may have taken place from neighboring countries and to or from countries for which the country was a transportation hub—Thailand, Malaysia, Indonesia, India, South Korea, and the UAE. Women between the ages of 17 and 30 were vulnerable to sexual exploitation, and men of all ages were targets for labor trafficking. A local antitrafficking NGO registered a total of 529 cases of human trafficking during the year involving 343 female victims and 186 male victims, on par with the 527 registered cases in 2006 and a decrease from the 874 cases registered in 2005.

Traffickers operating within nightclubs, restaurants, or prostitution rings solicited women, many of whom engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers used newspaper advertisements for marriage and fraudulent work opportunities abroad to lure victims. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE were also used to recruit victims. In most cases traffickers confiscated travel documents once the women reached the destination country. Victims of labor trafficking were typically recruited in local regions and driven to Kazakhstan or Russia where they were often sold to “employers.” Traffickers held victims in a form of debt bondage, particularly in the case of those trafficked for sexual exploitation.

Recruiters tended to live in the same neighborhood as the potential victim and often may have known the victim. These recruiters introduced future victims to the traffickers, who provided transportation, airline tickets, visas, and instructions about meeting a contact in the destination country. There were also reports of former victims being used to recruit new victims.

All law enforcement agencies are charged with upholding the antitrafficking provisions of the criminal code. Enforcement appeared to improve during the year.

The number of trafficking-related convictions continued to rise. According to a report released by the Ministry of Justice on October 17, during the first nine months of the year authorities opened 436 criminal cases against suspected traffickers, resulting in 339 convictions (293 men and 136 women). The report further noted that a total of 1,449 citizens were trafficked during the same period, of whom 1,283 (88.5 percent) were men and 166 (11.5 percent) were women. Of the victims, 28 were reportedly minors. In 2007 authorities investigated 303 suspects on human trafficking charges, resulting in 185 persons being convicted.

State-controlled media have reported the convictions of several alleged traffickers under the new criminal code amendments. For example, a Tashkent court in October convicted an Uzbek man and three female accomplices of trafficking women from Uzbekistan to Kazakhstan and sentenced each to between 10–14 years’ imprisonment.

The MFA, MOI, and local contacts indicated that convicted traffickers are increasingly serving time in jail. An independent activist also noted that individuals convicted of human trafficking were now among those groups of prisoners who were generally not considered for amnesty.

Government offices with responsibility for fighting trafficking included the MOI’s Office for Combating Trafficking, Crime Prevention Department, and Department of Entry-Exit and Citizenship; the NSS’s office for Fighting Organized Crime, Terrorism, and Drugs; the Office of the Prosecutor General; the Ministry of Labor; the Consular Department of the Ministry of Foreign Affairs; and the State Women’s

Committee. A government Inter-Agency Commission on Combating Trafficking in Persons meets quarterly and consists of representatives from the Government entities listed above.

There was at least one reported investigation of a corrupt official involved in trafficking. In March Matlyuba Burkhanova, a member of the lower house of parliament, resigned under pressure over allegations of human trafficking. There were no updates on the outcome of a criminal investigation into charges that Burkhanova arranged to send women to work as prostitutes overseas.

There were no reports that the Government prosecuted victims of trafficking for illegal migration in the course of being trafficked. Knowledgeable sources reported that authorities turned a blind eye to immigration violations of returning trafficking victims. Unlike in previous years, there were no reports of government law enforcement officials involved in trafficking-related bribery and fraud.

Repatriated victims often faced societal and familial problems upon return. At year's end internationally supported NGOs operated two shelters in Tashkent and Bukhara to help victims reintegrate into society. There were no reports of local police harassing shelter residents. The NGO implementer has reported a steadily improving working relationship with authorities, who now often contact the shelter with new referrals. During the reporting period, NGOs reported assisting 308 victims (245 female and 53 male) trafficked for sexual and labor exploitation.

On November 5, President Karimov signed a decree instructing the Ministry of Labor to open a national rehabilitation center in Tashkent to assist and protect human trafficking victims.

The Government cooperated with the International Organization for Migration (IOM) to provide assistance to repatriated trafficking victims. IOM also reported that police, consular officials, and border guards referred women returning from abroad who appeared to be trafficking victims to the organization for services. The Government routinely allowed IOM to assist groups of returning women at the airport, help them through entry processing, and participate in the preliminary statements the victims gave to the MOI.

In several different regions, antitrafficking NGOs, with the participation of law enforcement and local government officials, conducted seminars for orphanages, secondary schools, and higher education institutions; placed antitrafficking notices in local newspapers; and developed informational brochures and educational manuals for teachers and students. These NGOs also worked with Uzbekistan's mahallas to raise awareness about trafficking, especially in rural areas, and conducted antitrafficking summer camps for youth.

During the year the Government continued to focus on trafficking prevention. A specialized antitrafficking unit in the MOI continued to cooperate with NGOs on antitrafficking training for law enforcement and consular officials. The unit also supported victims who testified against traffickers and organized public awareness campaigns.

The government-controlled media routinely carried targeted articles and programs raising awareness about the dangers of trafficking for both sexual and labor exploitation. There was a large increase in the total number of such articles compared to previous years. government-owned television stations worked with local NGOs to broadcast antitrafficking messages and to publicize the regional NGO hot lines that counseled actual and potential victims. The Government allowed NGOs to place posters on trafficking hazards on public buses, in passport offices, and in consular offices abroad.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in the workplace and in education; however, the law does not specifically prohibit such discrimination in housing or in access to state services. There was some societal discrimination against persons with disabilities. The Government provided care for persons with mental disabilities in special homes.

In August the Ministry of Labor signed an agreement to participate in a two-year ACCESS (Accessibility, Civic Consciousness, Employment, and Society Support for Persons with Disabilities) project with several international partners, including UNDP, UNICEF, the UN Educational, Scientific and Cultural Organization (UNESCO), and the UN Population Fund (UNFPA). The purpose of the project is to combat societal discrimination against persons with disabilities and expand social integration, employment, and inclusive educational opportunities for them. As part of the project, the Government opened six pilot "inclusive education kindergartens and schools—which educate children with and without disabilities—in Navoi, Termez, Qarshi, Jizzakh, Samarkand, and Kokand. Under the ACCESS project, UNDP in December also conducted a training course on employing persons with disabilities for staff of employment centers administered by the Ministry of Labor.

In June the Government amended the 1991 law "On the Social Protection of Disabled Persons in the Republic of Uzbekistan" to include provisions imposing fines of up to 70 times the monthly minimum wage against facilities deemed inaccessible to disabled persons, although there are no reports of facilities being fined. While many public places lacked access for persons with disabilities, there was some wheelchair access throughout the country. The law does not provide effective safeguards against arbitrary or involuntary institutionalization. During the year, human rights activists reported that a number of persons with mental or physical disabilities were being held at psychiatric hospitals despite showing no signs of mental illness. The Ministry of Health controlled access to health care for persons with disabilities, and the Ministry of Labor and Social Protection facilitated employment of persons with disabilities.

National/Racial/Ethnic Minorities.—The constitution provides for the right of all citizens to work and to choose their occupation. The law prohibits employment discrimination on the basis of ethnicity or national origin. However, ethnic Russians and other minorities frequently complained about limited job opportunities. Senior positions in the Government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship, but language remained a sensitive issue. Uzbek is the state language, and the constitution requires that the President speak it. The law also provides that Russian is "the language of interethnic communication." Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara.

Other Societal Abuses and Discrimination.—There was social stigma against HIV/AIDS patients. Persons living with HIV reported social isolation by neighbors, public agency workers, health personnel, law enforcement officers, landlords, and employers after their HIV status became known. Recruits in the armed services found to be HIV-positive were summarily expelled. The MOI's Department of Corrections continued efforts to raise awareness about the realities of HIV/AIDS in its training for prison staff. The Government's restrictions on local NGOs left only a handful of functioning NGOs to assist and protect the rights of persons with HIV/AIDS.

During the year the Government began a large-scale public awareness campaign under the slogan "We Will Stop AIDS!" to raise awareness regarding how HIV/AIDS is spread, caring for HIV/AIDS sufferers, and eliminating discrimination against them. As part of the campaign, the Ministry of Health broadcast television and radio programs and held charity events to raise funds for HIV-positive children.

Homosexual activity is punishable by up to three years' imprisonment. Some homosexuals reportedly left the country due to the restrictive environment.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join unions of their choice; however, workers were unable to exercise this right in practice. The law declares unions independent of governmental administrative and economic bodies, except where provided for by other laws. In practice unions remained centralized and dependent on the Government. The state-run Board of the Trade Union Federation of Uzbekistan was the largest union. All regional and industrial trade unions at the local level were state-owned. There were no independent unions. The law prohibits discrimination against union members and officers, but this prohibition was irrelevant due to the unions' close relationship with the Government.

b. The Right to Organize and Bargain Collectively.—Unions and their leaders were not free to conduct activities without interference from the Government. The law provides the right to organize and to bargain collectively; in practice the Government did not respect these rights. Unions were government-organized institutions that had little power, although they did have some influence on health and work safety issues.

The law states that unions may conclude agreements with enterprises, but because unions were heavily influenced by the state, collective bargaining in any meaningful sense did not occur. The Ministry of Labor and Social Protection and the Ministry of Finance, in consultation with the Council of the Federation of Trade Unions (CFTU), set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment. There is no state institution responsible for labor arbitration.

The law neither provides for nor prohibits the right to strike. The law gives unions oversight for individual and collective labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children, except as legal punishment such as for robbery, fraud or tax evasion, or as specified by law; however, there were reports that such practices occurred, particularly during the cotton harvest, when authorities reportedly compelled medical workers, government personnel and others to pick cotton.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government did not effectively implement laws and policies to protect children from exploitation in the workplace. The national labor code establishes the minimum working age at 16 and provides that work must not interfere with the studies of those under 18. The law establishes a right to a part-time job beginning at age 14, and children with permission from their parents may work a maximum of 24 hours per week when school is not in session and 12 hours per week when school is in session. Children between the ages of 16 and 18 may work 36 hours per week while school is not in session and 18 hours per week while school is in session. Children as young as seven or eight worked in family businesses in cities during school holidays and vacations, and children also worked in street vending, services, construction, building materials manufacturing, and transportation.

Uzbekistan adopted legal measures to end child labor during the annual cotton harvest. In April the Government voted to adopt International Labor Organization (ILO) Conventions 182 (On the Worst Forms of Child Labor) and 138 (On the Minimum Age of Employment). The ILO has so far recognized Uzbekistan's adoption of Convention 182, but not of Convention 138.

In September the Government adopted a national action plan on implementation of the ILO Conventions, which called for abolishing the mobilization of children for the annual cotton harvest. The Prime Minister reportedly warned regional governors not to mobilize children "under any circumstances," and the Ministry of Labor also delivered a letter to Ministry of Public Education and the Association of Farmers on the illegality of mobilizing children for the cotton harvest. A 2001 government decree already prohibited those under age 18 from engaging in manual cotton harvesting and other jobs with unhealthy working conditions.

During the cotton harvest, the large-scale compulsory mobilization of students under 18 years of age continued in many rural areas. Such labor was poorly paid and living conditions were often poor. Unlike in previous years, authorities initially appeared to have made a concerted effort to prevent students under the age of 16 at schools from being mobilized. Field observations by international organizations indicated that early in the harvesting season there were fewer schoolchildren picking cotton than in previous years; however, schoolchildren were ultimately mobilized in several regions of the country. The age of children picking cotton and conditions varied widely by region. The vast majority of children were older than 11, but children as young as nine were observed picking cotton in some areas. College and university students, including those between the ages of 16 and 18, were also mobilized for the cotton harvest in most regions of the country.

There are no reliable figures and few dependable sources of information regarding the true extent of child labor in the country. The latest available statistics from 2006 on the percentage of children involved in labor ranged from 2–19 percent. Some children observed picking cotton were doing so alongside their parents. Most children picking cotton in southern Kazakhstan were Uzbek children who traveled there with their parents.

Current legislation does not explicitly provide jurisdiction for inspectors from the Ministry of Labor and Social Protection to focus on child labor enforcement. Enforcement of child labor laws is under the jurisdiction of the Ministry of Labor, the prosecutor general, and the MOI and its general criminal investigators. An Interagency Working Group on Child Labor, launched in 2006 with help from the ILO, serves as a national forum for addressing child labor issues.

The law provides both criminal and administrative sanctions against violators, but authorities did not punish violations related to the cotton harvest, and there were no reports of inspections resulting in prosecutions or administrative sanctions. Enforcement was lacking due in part to long-standing societal acceptance of child labor as a method of cotton harvesting.

e. Acceptable Conditions of Work.—The Ministry of Labor and Social Protection, in consultation with the CFTU, sets and enforces the minimum wage. The minimum wage was approximately 25,040 soum (approximately \$18) per month, which did not provide a decent standard of living for a worker and family.

The law establishes a standard workweek of 40 hours and requires a 24-hour rest period. Overtime pay exists in theory, but it was rarely paid in practice.

The Ministry of Labor and Social Protection establishes and enforces occupational health and safety standards in consultation with unions. Reports suggested that enforcement was not effective. The press occasionally published complaints over the failure of unions and the Government to promote worker safety. While regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Workers legally may remove themselves from hazardous work without jeopardizing their employment, although few workers, if any, attempted to exercise this right, as it was not effectively enforced. In July 2007 the country signed bilateral labor migration agreements with Russia to increase protections on a range of labor rights for the country's labor migrants. Under the new agreement, Uzbek citizens can apply through the Agency on External Labor Migration to receive permits to work legally in Russia. As of September over 1,000 persons have taken advantage of the program to work in Russia's agriculture and construction sectors. However, this is just a small fraction of the estimated more than one million Uzbek citizens already working in Russia, mostly illegally. The Agency also has enabled over 3,000 Uzbek citizens to legally work in South Korea. In addition, the Tashkent Employment Bureau reportedly has established ties with Poland enabling Uzbek citizens to travel there legally to work in construction.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy with a population of approximately 100,000. In the 2004 parliamentary elections, which observers described as generally free and fair, the United Progressive Party (UPP) defeated the ruling Antigua Labour Party (ALP), and Baldwin Spencer became prime minister. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in a few areas, including excessive use of force by police, poor prison conditions, violation of press freedoms, societal discrimination and violence against women, and sexual abuse of children.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution specifically prohibits such practices, and the authorities generally respected these prohibitions in practice. Nonetheless, there were occasional reports of police brutality, corruption, excessive force, discrimination against homosexuals, and allegations of abuse by prison guards.

In May authorities placed a police officer on administrative leave for the beating of a 17-year-old. The deputy police commissioner promised an investigation, and the case was pending at year's end.

A court convicted one of two police officers who shot the husband in a domestic disturbance in 2006; final sentencing was pending at year's end.

Prison and Detention Center Conditions.—Prison conditions were very poor. Her Majesty's Prison, the country's only prison, was overcrowded, did not have toilet facilities, and slop pails were used in all 122 cells. It held 229 convicted prisoners at year's end.

Prison overcrowding was attributed in part to a law that limited the ability of magistrates to grant bail to those accused of certain offenses. This resulted in an increase in the number of persons held on remand or awaiting trial. Due to space limitations, authorities sometimes held persons on remand together with convicted prisoners.

Female prisoners were held in a separate section and were not subject to the same problems encountered in the men's prison.

Juveniles were held with adult inmates.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred.

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

Role of the Police and Security Apparatus.—Security forces consist of a police force, the small Antigua and Barbuda Defence Force, and the Office of National Drug Control Policy, which coordinates law enforcement and prosecutorial action to counter narcotics trafficking. The police force comprised more than 715 officers, 147 of whom were part of the country's fire brigade, and 568 police officers. The police force is male dominated, but the number of female officers increased to 120. In October Thomas Bennet replaced Gary Nelson as police commissioner. Bennet was the last of a group of former Royal Canadian Mounted Police officers, including Nelson, brought in to help professionalize the police force and combat corruption.

The police discipline department, which investigates complaints against the police, is headed by the deputy police commissioner and decides whether an investigation is conducted. The police fall under the prime minister's area of responsibility, and he can call for an independent investigation into an incident as needed. In the wake of a number of drug-related gang murders that took place in 2007, the prime minister deployed the Defence Force to assist the police, established a midnight curfew for minors, extended hours for local police stations, and instituted random stops of pedestrians and motorists.

Arrest and Detention.—The law permits police to arrest without a warrant persons suspected of committing a crime. Criminal defendants have the right to a prompt judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. Criminal detainees were allowed prompt access to counsel and family members. The bail system requires those accused of more serious crimes to appeal to the High Court for bail, taking this responsibility away from the lower court magistrates.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The first level is the magistrate's court, followed by the court of appeals and the High Court. The constitution designates the Privy Council in the United Kingdom as the final court of appeal, which is always employed in the case of death sentences.

Trial Procedures.—The constitution provides that criminal defendants should receive a fair, open, and public trial, and an independent judiciary generally enforced this right. Trials are by jury. Defendants enjoy a presumption of innocence, have timely access to counsel, may confront or question witnesses, and have the right to appeal. In capital cases only, the Government provides legal assistance at public expense to persons without the means to retain a private attorney. Courts often reached verdicts quickly, with some cases coming to conclusion in a matter of days.

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

Civil Judicial Procedures and Remedies.—A court of summary jurisdiction, which sits without a jury, deals with civil cases involving sums of up to EC\$1,500 (\$550); three magistrate's courts deal with summary offenses and civil cases of not more than EC\$500 (\$185) in value. Persons may apply to the High Court for redress of alleged violations of their constitutional rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

In June 2007 the Privy Council rejected an appeal by the former owner of property expropriated by the Government in 2002. (The owner alleged abuse of power, harassment, and threats by the Government to acquire the property.) At year's end the Government had not provided prompt, adequate, and effective compensation to the claimant, as stipulated under law, and was seeking to sell the property to a third party, prior to settling with the previous owner.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the Government respected these rights on a somewhat limited basis. Although privately-owned print media, including daily and weekly newspapers, were active and offered a range of opinion, there were reports that criticism of the Government was met with government harassment, and in at least one case by legal action.

There was no information available about any legal action taken by the two journalists working for media outlets critical of the Government, whom the Government deported in June 2007, and who reportedly intended to pursue the matter with authorities. Reporters Without Borders and the Association of the Caribbean Media criticized the Government for expelling them, noting that both were citizens of Caribbean Community countries that have agreements allowing for the free movement of media workers.

There was continued tension between the Government and ZDK Radio, which is owned by the family of Lester Bird, the former prime minister and leader of the opposition ALP.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Individuals

and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Rastafarians complained of discrimination, especially in hiring and in schools. There were no other reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/rls/irf.

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

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

Protection of Refugees.—The law provides for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened.

The Government did not grant refugee status or asylum during the year. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, but normally the Government immediately deported foreigners who could not provide legal documentation.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In the 2004 elections, the opposition UPP won 12 of 17 seats in the House of Representatives and 55 percent of the popular vote. Members of a Commonwealth observer group reported that the elections were free and fair. UPP leader Baldwin Spencer replaced Lester Bird, whose ALP had held power continuously since 1976.

There were three women in the 17-seat House of Representatives and two women appointed to the 17-seat Senate. The governor general, the speaker of the House of Representatives, and the president of the Senate, all appointed positions, were women. There were two women in the cabinet.

There was one member of a minority in parliament.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. No information was available about the results of investigations of former ALP officials by a Special Task Force on Crime and Corruption established after the 2004 elections. Investigation targets included the former prime minister, a former finance minister, and a former ambassador.

The Integrity in Public Life Act requires public officials to disclose all income, assets (including those of spouses and children), and personal gifts while in public office. The law established an Integrity Commission, appointed by the governor general, to receive and investigate complaints regarding noncompliance with or contravention of any provisions of this law or the Prevention of Corruption Act.

The Freedom of Information Act gives citizens the statutory right to access official documents from public authorities and agencies, and it created a commissioner to oversee the process. In practice citizens found it difficult to obtain documents, possibly due to government funding constraints rather than obstruction.

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

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

There is an ombudsman, an independent authority appointed by the prime minister, to deal with complaints about the police and other government officials. However, the office lacks the resources to provide effective oversight for the entire government.

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

The constitution prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these prohibitions in practice.

Women.—Rape, including spousal rape, is illegal and carries maximum sentences (rarely imposed) ranging from 10 years' to life imprisonment. As many as four rapes were reported every month. The directorate of gender affairs, part of the Ministry of Labor, Public Administration, and Empowerment, established and publicized a crisis hotline for victims and witnesses to sexual assault. When rape cases are reported to the police, a female police officer accompanies the victim for both questioning and medical examinations. Once the doctor's report is completed, an investigation commences. If a suspect is arrested, he is placed in a line-up and must be identified by the victim face to face, without the use of a one-way mirror. There were 45 rape cases, of which 15 led to prosecution, during the year. In situations where the victim did not know her assailant, the cases rarely made it to trial. At year's end the Government was working with a task force from Canada to target suspected serial rapists.

Violence against women, including spousal abuse, was a problem. The law prohibits and provides penalties for domestic violence, but many women were reluctant to testify against their abusers. The directorate of gender affairs operated a domestic violence program that included training for police officers, magistrates, and judges. The directorate also ran a domestic abuse hotline and worked with a nongovernmental organization (NGO) to provide safe havens for abused women and children. Services for victims of domestic violence included counseling and an advocacy case worker who accompanied the victim to the hospital and police station.

Prostitution is prohibited, but it remained a problem. There were a number of brothels that catered primarily to the local population.

Sexual harassment is illegal, but it was rarely prosecuted.

According to the Labor Department, there was a high incidence of sexual harassment incurred by employees in both the private and public sectors. However, only five cases were formally reported during the year; the small number was believed to result from concerns about retaliation.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector, accounting for 54 percent of the public service and more than half of the permanent secretaries—the most senior level in each government department. In addition 41 percent of bar association members were women. There was no legislation requiring equal pay for equal work, but women faced no restrictions involving ownership of property.

The Professional Organization for Women of Antigua is a networking and resource group for professional women that held seminars for women entering the workforce.

Children.—While the Government repeatedly expressed its commitment to children's rights, in practice its efforts to protect those rights were limited. Schools faced many shortages, and parents typically provided desks, chairs, and uniforms, and often purchased books.

Child abuse remained a problem. The press reported regularly on the rape and sexual abuse of children. Adult men having regular sexual relations with young girls was also a problem. According to one regional human rights group, the girls were often the daughters of single mothers with whom the perpetrators also had regular sexual relations.

Trafficking in Persons.—There are no laws that specifically address trafficking in persons, and there were occasional reports of trafficking in women to the country. There were a number of brothels, which were staffed mostly by women from various Caribbean countries who traveled to the country as "entertainers" or "dancers." In some cases brothel owners reportedly retained their documents to exert influence

over the victims. However, authorities usually deported the women immediately, before information on possible trafficking could be obtained.

There were two known cases during the year in which persons were trafficked to the country to work in local brothels. Authorities deported one victim and the other voluntarily returned to her home country with the support of the Bureau of Gender Affairs. In neither case were charges brought against the brothel owners.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There was no reported discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Although the constitution contains antidiscrimination provisions, no specific laws prohibit discrimination against, or mandate accessibility for, persons with disabilities.

Other Societal Abuses and Discrimination.—There were no reports of violence or discrimination based on sexual orientation.

There were no reports of violence or discrimination directed toward persons with HIV/AIDS. The Ministry of Health supported local NGO efforts to register human rights complaints and seek assistance related to cases of discrimination against those with HIV/AIDS. The Ministry of Labor encouraged employers to be more sensitive to employees with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to associate freely and to form labor unions. Approximately 60 percent of workers in the formal sector belonged to a union.

The labor code provides for the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, petroleum, health, and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition an injunction may be issued against a legal strike when the national interest is threatened or affected.

After hearings held by the Industrial Relations Court on the 2005 firing of nine pilots and five flight attendants who organized a union to represent employees of Caribbean Star Airlines, the airline merged with another airline and its pilots were unionized and able to strike.

b. The Right to Organize and Bargain Collectively.—The law allows labor organizations to organize and bargain collectively without interference, and the Government protected this right. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers illegally fired for union activity, although a court could impose it.

The labor code applied equally to workers in the country's free trade zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition persons under 18 years of age must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The labor commissioner's office also had an inspectorate that investigated exploitive child labor matters.

e. Acceptable Conditions of Work.—The labor code provides that the minister of labor may issue orders, which have the force of law, to establish a minimum wage. Tripartite consultations were held when the minimum wage was set. The minimum wage was EC\$7.00 (\$2.59) an hour for all categories of labor, which provided a barely adequate standard of living for a worker and family. In practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, six-day workweek, but in practice the standard workweek was 40 hours in five days. Laws provide for overtime work in excess of the standard workweek; excessive or compulsory overtime is not specifically prohibited.

Although the Government had not developed occupational health and safety laws or regulations apart from those regarding child labor, the labor code includes provisions regarding occupational safety and health. While not specifically provided for

by law, in practice workers could leave a dangerous workplace situation without jeopardy to continued employment.

ARGENTINA

Argentina is a federal constitutional republic with a population of approximately 40.1 million. In October 2007 the country held national presidential and legislative elections, and voters elected President Cristina Fernandez de Kirchner in generally free and fair multiparty elections. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, the following human rights problems were reported: killings and use of excessive force by police or security forces; police and prison guard abuse and alleged torture of suspects and prisoners; overcrowded, substandard, and life-threatening prison and jail conditions; occasional arbitrary arrest and detention; prolonged pretrial detention; continued weak judicial independence; official corruption; domestic violence against women; trafficking in persons for sexual and labor exploitation, primarily within the country; and child labor.

During the year, the Government convicted several perpetrators of human rights abuses committed during the 1976-83 military dictatorship and continued trials that were suspended in 1989-90 when the Government pardoned such perpetrators.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—While the Government or its agents did not commit any politically motivated killings, there were reports that police committed killings involving unwarranted or excessive force. Generally, officers accused of wrongdoing were administratively suspended until completion of an investigation. Authorities investigated and in some cases detained, prosecuted, and convicted the officers involved.

The nongovernmental organization (NGO) Coordinator Against Police Repression (CORREPI) reported that security forces using excessive force killed more than 200 persons each year.

In January local victim advocacy organization Madres del Dolor filed a court case accusing two policemen of killing 21-year-old Sergio Enciso in Buenos Aires Province. The case remained pending at year's end.

According to Madres del Dolor, a judge detained five police officers and the police chief of Ramos Mejia in Buenos Aires Province for the February death of 35-year-old Gaston Duffau after an official autopsy confirmed that the victim died from multiple blows to the body and asphyxia. The police officials involved remained in pretrial detention at year's end.

There were no known developments in the case of Carlos Madrid, an off duty Buenos Aires police sergeant, who was in pretrial detention for the November 2007 killing of Daniel Ezequiel Cespedes.

In July a court sentenced police officer Dario Poblete to life imprisonment for the April 2007 killing of school teacher Carlos Fuentealba during a teachers' strike in Neuquen.

In September a Jujuy provincial court sentenced one police officer to life imprisonment and another to four years in prison for the 2006 death of Saul Mendoza. The court acquitted a third officer and continued to investigate a fourth.

There were no known developments in the trial of two former police officers and a civilian charged with homicide in the 2006 beating and shooting death of 15 year old Miguel Eduardo Cardozo.

Human rights groups stated to the press that ex-police officer Marta Jorgelina Oviedo was serving her life imprisonment sentence for the 2002 killing of Andrea Viera under house arrest.

In August the Government, as recommended by the Inter American Court on Human Rights in 2003, reopened an investigation into the 1991 killing by police forces of Walter Bulacio. The trial remained pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. Judicial proceedings related to killings, disappearances, and torture committed by the 1976-83 military dictatorship continued. According to the human rights organization the Center for Legal and Social Studies (CELS), there were 255 ongoing judicial investigations and an estimated 508 persons indicted for crimes against humanity committed during the Dirty War era. Of those indicted, 358 remained in pretrial

detention. At least 14 former state security agents and their civilian allies were convicted of human rights crimes, including forced disappearances and kidnappings. A November Noticias Argentinas press report, compiling information provided by the National Prosecutor General's Office, stated that 32 individuals had been convicted for crimes against humanity since 2003, 371 suspects remained in pretrial detention, and 61 persons remained fugitives from justice. In March a federal court decided that crimes committed by the Argentine Anti Communism Alliance before and during the military dictatorship were crimes against humanity and therefore not subject to the statute of limitations.

The press, civil society, and legal scholars expressed concern that the Government's efforts to pursue justice for human rights crimes committed during the military dictatorship did not include armed guerrilla groups that also were accused of committing abuses during the same time period.

In January a court released the wife and two children of former naval official Hector Febres, who died of cyanide poisoning in prison while facing charges of torture. They still faced charges on suspicion that they helped Febres commit suicide. In March a federal court released two Coast Guard constables who were arrested in connection with the case.

In March the National Human Rights Secretariat pressed homicide charges against former economy minister Jose Martinez de Hoz, who served under the military dictatorship, for the death of economist Juan Carlos Casariego Del Bel.

In March former navy lieutenant commander Ricardo Cavallo was extradited from Spain to Argentina to face charges of crimes against humanity committed during the military dictatorship. Cavallo was indicted in July and remained in pretrial detention at year's end.

In May federal authorities indicted Ernesto Barreiro for his role in committing human rights abuses during the military dictatorship, when he served as an army officer and chief interrogator at the La Perla clandestine torture center. He remained in pretrial detention at year's end.

In April former police officers Fernando Esvedes and Carlos Vercellone were arrested for their alleged role in political kidnappings and torture in the clandestine detention center Pozo de Arana during the military dictatorship, and their trial remained pending at year's end.

In July former army chief Luciano Benjamin Menendez and former army officials Oreste Valentin Padovan, Ricardo Alberto Ramon Lardone, Carlos Alberto Diaz, and Luis Alberto Manzanelli were sentenced to life imprisonment for human rights violations committed during the military dictatorship. Former army officials Hermes Oscar Rodriguez, Jorge Exequiel Acosta, and Carlos Alberto Vega received sentences ranging from 18 to 22 years' imprisonment.

In August former army lieutenant colonel Julio Rafael Barreiro was sentenced to life imprisonment, while former captain Juan Carlos de Marchi and former colonel Horacio Losito were sentenced to 25 years' imprisonment for their role in human rights violations during the military dictatorship. Former gendarmerie commander Raul Alfredo Reynoso was sentenced to 18 years.

In August a human rights trial against former brigadier general Enrique Braulio Olea, former colonels Oscar Lorenzo Reinhold and Mario Alberto Gomez Arenas, former major Luis Alberto Farias Barrera, former military officers Jorge Eduardo Molina Ezcurra and Sergio Adolfo San Martin, and doctor Hilarion de la Paz Sosa began in Neuquen Province. The former military officials were accused of 17 counts of crimes against humanity committed during the military dictatorship.

In September a federal judge resumed an investigation into the 1973 killing of General Labor Confederation leader Jose Ignacio Rucci, in which the armed guerrilla group, the Montoneros, was believed to have been involved.

In October federal authorities indicted former National University Concentration chief Eduardo Cincotta, former member Nicolas Cafarello, three former air force officials, and former army colonel Roberto Atilio Bocalandro for human rights crimes committed in the clandestine detention center La Cueva in Mar del Plata. They remained in pretrial detention at year's end.

In October former army officials Alberto Barda, Hipolito Mariani, and Cesar Comes received sentences ranging from 25 years' to life imprisonment for human rights violations committed in the clandestine detention centers of Mansion Sere and La Cueva.

In December the Court of Criminal Appeals ordered that 21 military officials accused of human rights violations during the military dictatorship be freed on bail, including two of the most notorious suspects, ex-naval captains Alfredo Astiz and Jorge Acosta. The three-judge panel noted that the men had spent more than five years in detention without a trial, far in excess of the two-year legal limit for pretrial detention. The prosecutors, CELS, and the Grandmothers of the Plaza de Mayo

subsequently appealed the decision, and the officers remained in detention pending a Supreme Court decision. The Government sought to impeach the judges who ordered the release.

There were no developments in the 2006 missing persons case of Jorge Julio Lopez, a key witness in the case against Miguel Etchecolatz, former commissioner general of the Buenos Aires Province police.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption by members of the former military dictatorship of children born to detained dissidents. At year's end, 96 of an estimated 500 persons born to detained and disappeared dissidents and illegally adopted had been identified and made aware of their true backgrounds.

In April a court sentenced a military official to 10 years in prison for his role in facilitating the illegal adoption of Maria Eugenia Sampallo Barragan, the daughter of political dissidents killed during the military dictatorship. This was the first case of its kind, and Sampallo's adoptive parents were sentenced to seven and eight years' imprisonment.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices and provides penalties for torture similar to those for homicide, there were reports that some police and prison guards continued to employ torture and brutality. CELS reported police brutality and occasional alleged torture of suspects, particularly during prison transfers. While the Government investigated such reports, there were few convictions.

According to CELS, a prison detainee in the Olmos, Buenos Aires, provincial prison asserted he had received knife injuries from a senior prison official in the presence of another prison official. A detainee in the Sierra Chica Prison in Buenos Aires Province filed a complaint for being subjected to solitary confinement for 45 days with no clothes or food. A 17-year-old minor also filed a complaint alleging that police agents in a police station in Hurlingham, Buenos Aires Province, subjected him to electrical shocks.

Two lower ranking navy officials and a civilian remained in pretrial detention for the 2006 kidnapping, beating, torture, and killing of 15 year old Lucas Ivarrola, who was accused of stealing a television set. A trial date had not been set by year's end.

Prison and Detention Center Conditions.—Prison conditions often were poor and life threatening. Inmates in many facilities suffered from extreme overcrowding, poor nutrition, inadequate medical and psychological treatment, inadequate sanitation, limited family visits, and frequent inhuman and degrading treatment, according to various reports by human rights organizations and research centers. The research center Unidos por la Justicia estimated prison overcrowding at 20 percent nationwide, while credible press reports estimated prison overcrowding in Buenos Aires Province exceeded 25 percent.

The Buenos Aires Provincial Memory Commission's Committee Against Torture reported that, during the first 11 months of the year in Buenos Aires provincial prisons, there were 86 prisoner deaths and 5,169 violent incidents, resulting in injuries to 4,800 prisoners. According to an earlier report from the committee covering the first half of the year, authorities repressed violent incidents with rubber bullets and sticks on 564 occasions. The committee attributed the violence to inmate attacks on fellow prisoners and on prison officials. The committee also criticized the provincial prison health-care system.

In April federal criminal prosecutor Francisco Mugnolo filed a case with the Supreme Court arguing that inadequate federal control over federal prisons resulted in human rights violations and torture of some prisoners. He also released a report claiming that 63 percent of federal prisoners in the second half of 2007 had experienced physical aggression.

Also in April, Alfredo Emiliano Fleitas, a prisoner in Villa Devoto Prison, petitioned the courts for a writ of habeas corpus after having been beaten by prison guards in February during a transfer to Ezeiza Prison. Fleitas was hospitalized as a result of his injuries and underwent surgery to restore his vision. In August the Buenos Aires Provincial Supreme Court ordered the Provincial Criminal Court of Appeals to decide a collective habeas corpus case filed by CELS on behalf of provincial prisoners who were subject to mistreatment and violence during prison transfers.

While women were held separately from men, the law permits children to stay in prison with their mothers until age four. Press reports estimated that 86 children under the age of four lived with their mothers in federal prisons, with an additional 75 in Buenos Aires provincial prisons. In general men's prisons were more violent, dangerous, and crowded than the women's prisons.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. According to a 2007 UN Children's Fund and National Secretariat for Human Rights report, these institutions held approximately 20,000 children, 20 percent of whom were under age 16. The overwhelming majority had not committed a crime; rather, they were abandoned by their families or considered "at risk" for other reasons.

Pretrial detainees often were held with convicted prisoners. CELS estimated that 53 percent of those in federal prison were awaiting trial.

In November the Buenos Aires Provincial Court initiated trial proceedings in the case against Buenos Aires Magdalena Provincial Prison Director Carlos Tejeda and 15 prison guards and officials accused of abandoning prisoners in a 2005 fire that killed 33 prisoners.

The Government permitted prison visits by local and international human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, police reportedly arrested and detained citizens arbitrarily on occasion.

Role of the Police and Security Apparatus.—The Federal Police have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. Other federal police authorities include the Airport Security Police, the Gendarmerie, the Coast Guard, and the Bureau of Prisons. Additionally, each province has its own police force that responds to a provincial security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights. Corruption was widespread in some forces, and internal controls to counter police abuses were weak.

The most frequent abuses included extortion of, and protection for, those involved in drug trafficking, prostitution, and trafficking in persons.

The federal security forces have the authority to conduct internal investigations into alleged abuses and to fire individuals who have allegedly committed a human rights violation. The Federal Government can also file complaints with the federal courts; provincial governments may do the same for provincial security forces. Members of security forces convicted of a crime were subject to stiff penalties.

During the year, authorities in Buenos Aires Province removed more than 700 police officers for corruption and other offenses.

Arrest and Detention.—Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well founded belief that the suspects have committed, or are about to commit, a crime or are unable to determine the suspected person's identity. Human rights groups reported that the police often detained suspects longer than 10 hours.

The law provides a person in detention with the right to a prompt determination of the legality of the detention, which entails appearance before a criminal lower court judge, who determines whether to proceed with an investigation. There were frequent delays in this process and in informing detainees of the charges against them.

The law provides for the right to bail, except in cases involving narcotics, violent crimes, and firearms violations. Although the bail system was used, civil rights groups claimed that judges were more likely to order the holding of indicted suspects in preventive or pretrial detention than to allow suspects to remain free pending their trial.

In November the highest penal court broadly ruled that pretrial detention should be the exception to the rule, except in cases where a suspect represents a flight risk or may act to obstruct justice.

Detainees were allowed prompt access to counsel, and public defenders were provided for detainees unable to afford counsel, although such access sometimes was delayed due to an overburdened system. Strong demand and a lack of resources for the Public Defender's Office resulted in an excessive caseload for public defense attorneys. Although there were no official statistics on the percentage of detainees requesting public defense attorneys, human rights organizations estimated that 80 percent requested public defense attorneys. Detainees also were allowed access to family members, although not always promptly.

The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period may be extended for one year in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. CELS reported that prisoners waited an average of three years to be tried, with some cases taking as long as six years to go to trial. A convicted prisoner usually received credit for time already served.

In Buenos Aires Province, provisional statistics from CELS indicated that nearly 75 percent of detainees were in pretrial detention, while the Buenos Aires Provincial Memory Commission Committee Against Torture reported that 78 percent of the approximately 26,000 detainees in provincial prisons were awaiting trial. According to several human rights organizations, 30 percent of pretrial detainees were eventually acquitted.

According to the Memory Commission's committee, there were approximately 6,500 complaints of human rights violations against juvenile detainees in provincial prisons and juvenile detention facilities, the majority of which were pending investigation.

In July the Buenos Aires Provincial Supreme Court inaugurated an ad hoc juvenile justice system, which operated in eight out of 18 provincial districts. It provides minors age 16 to 18 the same procedural rights as adults and limits sentences to 180 days in prison.

In August the minister of justice announced that he had instructed police forces to conform standard operating procedures for arresting minors to international standards; however, by year's end, there was no information on application of procedures.

e. Denial of Fair Public Trial.—The law provides for the right to a fair trial, and the judiciary generally enforced this right. However, there were complaints that some lower court federal judges, provincial judges, and judicial personnel were inefficient and at times subject to political manipulation. Justice organizations were particularly critical of the lack of independence of lower court judges with federal jurisdiction in many provinces.

The judicial system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and general inefficiency caused by remnants of the inquisitorial criminal justice system used in federal and many provincial courts. Judges have broad discretion as to whether and how to pursue investigations, contributing to a public perception that many decisions were arbitrary. Allegations of corruption in provincial courts as well as federal courts located in the provinces were more frequent than federal courts with jurisdiction over the city and province of Buenos Aires, reflecting strong connections between the executive and judicial branches at the provincial level.

In May the Congress passed a law establishing a process to appoint temporary judges in response to a 2007 Supreme Court order. However, legal scholars expressed concern that the law encourages delays in the selection of permanent judges and increases the executive branch's authority to appoint temporary judges without public vetting. At year's end, there were 160 vacant judgeships nationwide. There were some criticisms in the press that interim judges were subject to political manipulation due to the temporary nature of their position.

The judicial system is divided into federal and provincial courts, both headed by a supreme court with appellate courts and district courts below it. The federal courts are divided between the criminal and civil courts.

In August the Congress voted to abolish the military justice system, thus making members of the military subject to civil proceedings for crimes committed during peacetime and to a new military disciplinary code for infractions of military rules.

Trial Procedures.—Trials are public, and defendants have the right to legal counsel and to call defense witnesses in the federal and some provincial courts that have an accusatory system of criminal justice. If needed, a public defender is provided at public expense when defendants face serious criminal charges. During the investigative stage, defendants can submit questions in writing to the investigating judge. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Although the 1994 constitution provides for trial by jury, implementing legislation had not been passed by year's end. In Cordoba Province, however, defendants accused of certain serious crimes have the right to a trial by jury. Lengthy delays in trials were a nationwide problem, with many cases taking five or more years to resolve. Defendants are presumed innocent and have the right to appeal, as do prosecutors. Minors under age 16 cannot be criminally prosecuted. By law defendants and attorneys have access to government held evidence, but they may experience significant obstacles or delays in obtaining such evidence.

The human rights organization Fundacion Sur noted that the country lacked a separate juvenile justice system that affords adolescents due process protections and the right to a legal defense in criminal cases and expressed concern that the broad discretion judges have in such cases increased the possibility of arbitrary rulings. The age of legal liability is 16, and Fundacion Sur asserted that 16- and 17-year-

old offenders frequently were transferred to adult criminal courts or held in juvenile detention centers for longer periods than warranted by their offenses. A December Supreme Court decision found that the country's juvenile justice system did not comply with international conventions and highlighted the need for the legislative branch to remedy the situation.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and anyone may bring lawsuits seeking damages or the protection of rights provided by the constitution.

Government agencies, professional bar associations, universities, and NGOs provide free legal counseling and may represent indigent persons before civil courts as well as assist them in alternative dispute resolution proceedings.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals can criticize the Government publicly or privately, but there are criminal penalties, including prison sentences, for libel and slander, and government officials have sought to use these against the political opposition and other critics. The Government pressed criminal libel and slander charges against Elisa Carrio, head of the opposition Civic Coalition party, for accusing officials in 2004 of corruption. In September Carrio won a civil case brought by the son of a deceased Peronist leader whom she accused of being involved in official corruption, murder, and drug trafficking; it was the second such case she had won.

In December security forces arrested 26 “neo-Nazis,” including four minors, on discrimination charges for conducting a ceremony to commemorate the death of World War II German naval captain Hans Langsdorff. All individuals subsequently were released but still faced discrimination charges.

The independent media were numerous and active and expressed a wide variety of views without restriction.

Numerous FM radio stations continued to broadcast with temporary licenses pending conclusion of a licensing normalization process.

In August AM radio signal Radio Continental, which had been critical of the Government, filed a complaint before the Federal Broadcasting Committee (COMFER) for its decision to suspend its FM broadcast. Although the complaint was not resolved by year's end, COMFER did not enforce its decision, and the station continued to broadcast on the FM frequency.

In August the Association for Civil Rights and the Open Society Justice Initiative published a report alleging that the Government's allocation of state advertising funds affected press freedom. The report claimed that the Government abused the distribution of state advertising to benefit or punish the press according to the tone of their coverage of the administration. This assessment coincided with press reports and comments made in private by media organization leaders.

According to the Association for Civil Rights, the Neuquen provincial government had not complied by year's end with a 2007 Supreme Court order to present an official advertising distribution plan that would not indirectly curtail freedom of speech. The 2006 lawsuit lodged by the country's second largest media company, Grupo Editorial Perfil, against the Federal Government's use of government advertising as a means of indirect censorship remained pending at year's end.

Journalist Sergio Poma died in January while awaiting appeal of a September 2007 Salta provincial court decision that sentenced him to a one year suspended prison term and barred him from practicing journalism for one year for slandering the former governor of Salta.

In November labor activists from the teamsters union, led by Hugo Moyano, vice president of the ruling Peronist Party and leader of the General Labor Confederation (CGT), blocked a newspaper distribution center jointly run by the country's two leading newspapers, Clarin and La Nacion. The union maintained that the protest was technically for better wage and working conditions for the teamsters that drive newspaper distribution trucks. However, media organizations and the opposition criticized the Government failure to break up the blockade and called it a direct attack on press freedom; the two newspapers filed criminal charges against the perpetrators.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. According to the Government's National Statistics and Census Institute, there were more than three million residential Internet users.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution also states that the Federal Government “sustains the apostolic Roman Catholic faith,” and the Government provided the Catholic Church with a variety of subsidies not available to other religious groups. Other religious faiths were practiced freely.

In order to hold public worship services, obtain visas for foreign missionaries, and obtain tax exempt status, religious organizations must register with the Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship and report periodically to maintain their status.

Societal Abuses and Discrimination.—Acts of discrimination and vandalism against religious minorities, particularly the 300,000 member Jewish community, continued. During the year, the Delegation of Israeli Argentine Associations (DAIA) received approximately 202 complaints of anti Semitic acts. The most commonly reported incidents were desecration of Jewish cemeteries, anti Semitic graffiti, verbal slurs, and other forms of harassment.

In August Raul Arenas Vega was sentenced to nine months' imprisonment for the 2006 beating of an Orthodox Jewish teenager in Buenos Aires.

The investigation continued into the 1994 bombing of the Argentine Jewish Mutual Aid Association (AMIA) building in Buenos Aires that killed 85 persons. In May a federal prosecutor called for the indictment of former President Carlos Menem, former federal judge Juan Galeano, and others for their alleged role in covering up and protecting those involved in the attack. Subsequently, the presiding federal judge, following recommendations from the AMIA Special Prosecutor, issued an international request for the seizure of assets belonging to eight Iranians and Hezbollah to cover damages being claimed by the civil suit brought against the perpetrators. In December the judge ordered the seizure of six commercial properties allegedly belonging to a former Iranian cultural attache who was among those accused of aiding in the attack.

There were no developments in DAIA's case against activists from the left wing group Quebracho that prevented Jewish community groups from demonstrating in front of the Iranian Embassy in 2006.

The Government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

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

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

The law allows the Government to provide temporary protection for humanitarian reasons, including family reunification, to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

According to the Government's Refugee Eligibility Committee, in the first 11 months of the year, 745 persons sought asylum, and the Government granted refugee status to 89 persons. The Government continued to cooperate with the UNHCR to resettle at risk Colombian refugees. According to the UNHCR, the country also resettled 39 Colombians in the first six months of the year.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status and temporary protection for humanitarian reasons.

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

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

Elections and Political Participation.—National presidential and legislative elections took place in October 2007. At the national level, one half of the seats in the Chamber of Deputies and one third of those in the Senate were contested. The media, the Ministry of Justice, and various NGOs observed the elections and judged them free and fair, although several opposition parties filed a complaint alleging that ballots listing opposition candidates were not available at voting stations in some provinces.

Provincial elections in Santiago del Estero Province took place in orderly fashion in November.

Political parties generally operated without restriction.

Decrees provide that one third of the members of both houses of congress must be women, a goal achieved through balanced election slates. There were 28 women in the 72 seat Senate and 103 women in the 256 seat Chamber of Deputies. The president, two of the seven Supreme Court justices, and four cabinet ministers were women. Women constituted approximately 17 percent of top executive-branch positions at the federal level.

One indigenous person served in the Chamber of Deputies. There were no other known ethnic or racial minorities in the national legislature. There were no known indigenous, ethnic, or racial minorities in the cabinet or on the Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, there were frequent press reports that executive officials engaged in corrupt practices, suggesting a failure to implement the law effectively.

According to the World Bank's worldwide governance indicators, government corruption was a serious problem. Historically weak institutions and an often ineffective and politicized judicial system made rooting out corruption in any systemic fashion difficult.

Public officials are subject to financial disclosure laws, and the Ministry of Justice's Anti Corruption Office (ACO) is responsible for analyzing and investigating federal executive branch officials based on their financial disclosure forms. The ACO also is responsible for investigating corruption within the federal executive branch or in matters involving federal funds, except for funds transferred to the provinces. Although nominally a part of the judicial branch, the ACO does not have authority to prosecute cases independently, but it can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case. Individual judges investigated most high profile corruption cases, but prosecutions were not expected in a number of such cases that began in 2007.

The minister of defense dismissed 31 senior officers and officials in August and another 13 in September following investigations into corrupt practices, and in September the army chief of staff resigned following his indictment over the illegal diversion of public funds in 2002 in another command. Judicial authorities were pursuing the investigations with the ministry's support.

According to press reports, the minister of health continued to push for greater transparency in the procurement of pharmaceuticals by the agency responsible for providing medicines to senior citizens following allegations of price fixing and overcharging by suppliers, many of whom were also reportedly prominent campaign contributors in 2007. In November the agency head resigned at the Government's request.

In December a foreign plea agreement by the German corporation Siemens identified by their initials and titles several high level officials in former governments as having accepted multimillion dollar bribes in the controversial procurement of a national identification card system.

Investigations conducted by the NGO Poder Ciudadano in June and the National Electoral Court in September cited irregularities in the campaign finance reports of the 2007 presidential candidates. Their findings concluded that some candidates underreported their official campaign expenses, particularly regarding advertising costs; others overreported their expenses; and some received anonymous donations,

which is prohibited by law. Poder Ciudadano's report also alleged that public resources were used to promote President Cristina Fernandez de Kirchner's campaign.

An executive decree provides for public access to government information from executive agencies, which are required to answer requests for public information within 10 working days, with a possible 10 day extension. The capacity to comply with this requirement, however, varied across executive agencies. Poder Ciudadano estimated that executive branch agencies answered such requests within the required timeframe approximately 70 percent of the time. The NGO noted that politically sensitive requests, such as the operational costs of the presidency, often were delayed or went unanswered.

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

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

While the Government cooperated with some international and local NGOs, the local chapter of a well-known international organization expressed concern that, despite repeated requests, the Government did not provide information under a freedom of information decree.

The Government has a Human Rights Secretariat and a National Ombudsman's Office.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these prohibitions in practice.

Women.—Rape, including spousal rape, is a crime, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presented difficulties in prosecuting such crimes. The penalties for rape ranged up to 20 years' imprisonment. There were no reports of police or judicial reluctance to act on rape cases; however, women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence victims often revictimized the individual.

A Rape Victims Association report estimated that during the year, there were approximately 1,500 rapes in the city of Buenos Aires and its suburbs, only one-third of which were reported. According to the National Prosecutor General's Office, 90 percent of rape or sexual assault cases did not result in convictions.

The law prohibits domestic violence, including spousal abuse, although the law defines violence against women as a misdemeanor, and complaints are addressed in civil rather than criminal courts. Family court judges have the right to bar a perpetrator from a victim's home or workplace. The law, however, prescribes penalties for domestic violence only when it involves crimes against sexual integrity, in which case the penalty can be as much as 20 years' imprisonment. However, lack of vigilance on the part of the police and the judicial system often led to a lack of protection for victims.

According to a report by the Ministry of Justice National Crime Policy Office, more than 1,000 cases of sexual abuse were reported in the first four months of the year. The office estimated that only one-third of such crimes were reported, with only 10 percent of the cases resulting in convictions. The report indicated that 60 percent of the victims were minors and 40 percent young adult women.

In September the Supreme Court inaugurated its Office of Domestic Violence, a pilot project to improve access to justice and provide protection for victims in the city of Buenos Aires. The office was open 24 hours a day, seven days a week, and employed 72 professionals, including lawyers, judicial employees, and medical and psychological specialists. It collected written testimony from victims and educated court officials on how to use such testimony in lieu of oral testimony to avoid revictimization. In the first two months of operations, the office assisted 1,075 domestic violence victims, referring 660 cases to civil courts and 419 to penal courts for further legal action. The office also referred 246 cases to existing free legal assistance services and 210 cases to medical assistance programs.

Domestic violence against women was a serious problem. In August Amnesty International reported that a woman died every two days as a result of domestic violence. According to press reports quoting the Buenos Aires Provincial Ministry of Security statistics, 52,351 complaints of domestic abuse were filed at the Women's Police Stations in Buenos Aires Province in the first 10 months of the year.

The Ministry of Justice continued to operate mobile units to assist victims of sexual and domestic violence in the city of Buenos Aires. A free hot line servicing the city of Buenos Aires offered consultations and received complaints.

Following enactment of enabling legislation in September, the Buenos Aires provincial government began implementing a register of individuals convicted of sex crimes.

Family and civil courts in Buenos Aires Province, in compliance with a provincial Supreme Court order, created hot lines to receive complaints of domestic violence and assist victims after normal hours. Criminal courts worked with police stations, police offices for women's issues, and prosecutors' offices to enable victims to file domestic violence complaints 24 hours a day.

Public and private institutions offered prevention programs and provided support and treatment for abused women. The Buenos Aires municipal government operated a small shelter for battered women; however, few other shelters existed.

Individual prostitution is legal, but the promotion, facilitation, or exploitation of persons into prostitution is illegal. NGOs considered sex tourism a problem but had no estimates of its extent. Trafficking of women to and within the country for prostitution was a problem.

Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions, such as the city of Buenos Aires, sexual harassment may lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison. There was no information on the extent of the problem.

Although women enjoyed equality under the law, including property rights, they encountered economic discrimination and held a disproportionately high number of lower paying jobs. According to a 2007 study by the Foundation for Latin American Economic Research, men earned 5 percent more than women for equivalent full time work in the Greater Buenos Aires area and earned 21 percent more than women for equivalent part time work, an imbalance explicitly prohibited by law.

The National Council of Women carried out programs to promote equal social, political, and economic opportunities for women. The council worked with the special representative for international women's issues, the Ministry of Labor, and union and business organizations to form the Tripartite Committee on Equal Opportunity for Men and Women in the Workplace, which sought to foster equal treatment and opportunities for men and women in the job market.

Children.—Although the Government voiced strong commitment to children's rights and welfare, many programs remained underfunded.

In September the Congress passed a law that maintained the 40-day timeframe in which parents can register the birth of their children but reduced from six years to 20 days the time thereafter for the state to register the births if parents failed to do so. For a birth occurring without medical assistance or outside a medical center, the Government may authorize late registration up until one year after the birth; thereafter, only judges may order birth registrations.

While the law provides for free and compulsory education for 13 years, beginning at age five, it was not enforced effectively. The governor of Buenos Aires estimated that there were approximately 400,000 children who neither worked nor attended school in Buenos Aires Province alone.

Child abuse continued to occur and was not uncommon; for example, a University of Buenos Aires study released in August noted that 56 kindergartens and primary schools in Buenos Aires Province had detected 1,590 cases of family violence in the previous year. The Government took measures to combat child abuse.

The National Council for Children, Adolescents, and the Family continued to conduct public awareness campaigns and operated a national hot line, which children used to call for advice, make complaints, and report instances of abuse or other rights violations. Prosecutors and police pursued cases of Internet child pornography. In June the Congress passed a law criminalizing child pornography; however, the law does not penalize possession by individuals for personal use. The press and local NGOs reported that children were involved in sexual exploitation, sex tourism, and drug trafficking. Drawing on police statistics, the press estimated that approximately 5,000 children were recruited every year for pornography activities and sex tourism.

According to credible local press reports, dozens of child victims of violence from poor families were lodged in juvenile detention centers under judicial protection orders. City government observers were barred from visiting the centers. Local NGO Fundacion Sur expressed concern that the children may be subject to inhumane conditions and submitted a writ of habeas corpus asking the courts to release the children and investigate the 2007 cases of two adolescents who allegedly committed suicide in separate incidents after having been raped while in detention. In December the Supreme Court rejected the petition but acknowledged the need to pass legislation to bring the juvenile justice system into compliance with international norms.

In December the newspaper *La Nacion* reported that a local NGO estimated that 3,000 children under five years of age died from malnourishment, down one-third since 2003.

Trafficking in Persons.—In April the Congress passed a law criminalizing trafficking in persons. The country was a source, transit point, and destination for trafficked persons.

Trafficking in persons primarily involved citizens trafficked within the country for the purposes of sexual and labor exploitation. They were trafficked mostly from the northern provinces to the central provinces and Buenos Aires and from Buenos Aires to several southern provinces. To a lesser degree, the country was a destination for victims, principally women and minors from Paraguay, the Dominican Republic, Bolivia, and Brazil.

While there were no official reports on the activities of traffickers, the media reported that traffickers often presented themselves as employment agencies or as individual recruiters. Credible sources also identified large organized crime networks, which sometimes consisted of extended families plus their business associates, including recruiters and brothel managers. Traffickers confiscated travel documents to prevent victims from appealing to authorities for protection. Victims, particularly women and girls in prostitution, at times were denied contact with the outside world. Victims often were threatened or beaten.

Traffickers can be prosecuted under the new federal law, which provides penalties for trafficking ranging from three to 15 years in prison, depending on the nature of the violation and the age of the victim. Traffickers have been prosecuted on charges of prostitution through fraud, intimidation, and coercion or, in the case of minors, alien smuggling, indentured servitude, and similar abuses.

Trafficking investigations and arrests increased during the year. According to Ministry of Justice statistics, internal security agencies conducted 118 raids, arrested 120 persons suspected of human trafficking, and rescued 133 victims in the six-month period after the law took effect in late April. However, only 33 of those arrested remained in detention as of November. Official statistics on the number of prosecutions and convictions for trafficking during the year were unavailable. The Ministry of Justice was the lead agency for coordinating antitrafficking efforts with internal security agencies.

There were no allegations of Federal Government official involvement in trafficking. However, there were reports of widespread corruption and collusion with traffickers at provincial and local levels, which impeded prosecution. There were some efforts to investigate and prosecute local police and officials suspected of involvement in human trafficking.

There were no developments in the investigation of local police and official involvement in a 2006 case where women were forced into prostitution in Chubut Province. Press reports indicated that the two former police officers, who were charged in 2006, were reassigned without facing disciplinary actions. In March 14 women were rescued from forced prostitution in brothels that continued to operate in the area.

In December a federal judge summoned the police commissioner, his deputy, and three other police officials for deposition as part of an investigation into alleged police protection of a ring of brothels suspected of human trafficking in the Mataderos neighborhood of Buenos Aires. In the same case, a woman running the brothel was indicted as an accessory to human trafficking, and her sister was also under investigation at year's end.

Trafficking victims normally were not detained, jailed, or deported. The Ministry of Justice's training seminars for internal security forces included a component emphasizing that they not blame trafficking victims for illegal activities they may have become involved in as a consequence of their exploitation.

Limited victims' assistance is provided by the Ministry of Justice's First Responder Office for the Rescue and Immediate Assistance of Trafficking Victims. It refers minor and adult victims rescued in the city or province of Buenos Aires to the Ministry of Social Development's Secretariat for Children, Adolescents, and the Family, which then may direct victims to existing social and medical assistance programs. Victims in other provinces usually were assisted by the relevant human rights secretariat. The Prosecutor General's Office of Victim's Assistance continued to provide assistance on an as-needed basis.

Although it did not operate victim shelters dedicated to trafficking, the Government funded one NGO to operate a victim's shelter. Some victims qualified for Federal Government assistance, but most provincial officials were not trained to identify or help victims of trafficking specifically. The International Organization for Migration assisted with repatriation and reintegration of foreign victims of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip

Persons With Disabilities.—The constitution and laws prohibit discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, but the Government did not effectively enforce these laws. A specific law also mandates access to buildings for persons with disabilities; however, the Government did not effectively enforce it.

Laws mandating greater access to buses and trains for persons with disabilities also were not enforced fully. In March a federal court ordered the Buenos Aires subway operator Metrovias to make subway stations handicapped accessible. According to the Association for Civil Rights, only 12 of 73 subway stations were handicapped accessible.

According to the National Institute Against Discrimination, Xenophobia, and Racism (INADI), an estimated 20,000 children with disabilities were unable to attend school in Buenos Aires City because the buildings were not handicapped accessible.

In March the Buenos Aires City Ombudsman pressed charges against eight long distance bus companies for failing to provide free bus tickets to persons with disabilities, as required by decree. Thereafter, INADI established a permanent office at the main bus terminal in Buenos Aires City and maintained a presence at many train and bus stations throughout the city on a rotational basis.

A 2007 study by CELS and international NGO Mental Disability Rights International reported that 25,000 persons were detained in psychiatric institutions, more than 80 percent for more than a year. The report documented egregious cases of abuse and neglect in psychiatric institutions, including patients burned to death in isolation cells, the use of sensory deprivation in long-term isolation, and physical and sexual violence. The report also detailed dangerous and unhygienic conditions, including the lack of running water, nonfunctioning sewer systems, and fire and safety hazards.

The National Advisory Committee for the Integration of People with Disabilities, under the National Council for Coordination of Social Policies, has formal responsibility for actions to accommodate persons with disabilities.

National/Racial/Ethnic Minorities.—According to DAIA's 2007 Anti-Semitism Report, which included information on other minorities in the country, many Afro-Argentines experienced employment, education, and housing discrimination; endured racial slurs while using public transportation; and were barred entry from nightclubs. The DAIA report also noted that Chinese, Koreans, Muslims, Gypsies, and Latin American immigrants also faced discrimination.

INADI conducted a number of national public awareness campaigns throughout the year to discourage racial discrimination, including one entitled "Words Discriminate."

Indigenous People.—The constitution recognizes the ethnic and cultural identities of indigenous people and states that the Congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. In practice indigenous people did not fully participate in the management of their lands or natural resources, in part because responsibility for implementing the law is delegated to the 23 provinces, only 11 of which have constitutions recognizing indigenous rights.

Although there is no formal process to recognize indigenous tribes or determine who is an indigenous person, indigenous communities can register with the provincial or Federal Government as a civic association.

Estimates of the indigenous population ranged from 700,000 to 1.5 million. Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had greater than average rates of illiteracy, chronic disease, and unemployment. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people.

According to indigenous rights experts, 75 percent of disputed territory in Jujuy, which had been the subject of court orders in 2006 and 2007, was either returned to indigenous communities or in the titling process by year's end.

In October the Supreme Court overruled a Salta provincial court decision to turn down an appeal by the Eben Ezer indigenous community, which asked the provincial court to issue an injunction preventing the sale of provincial land previously considered a natural reserve. The Supreme Court indicated that the provincial court's decision violated the constitution and instructed the provincial court to take into consideration the rights of indigenous people to use the resources found on ancestral lands.

In December, in response to a lawsuit filed by 18 indigenous communities, the Supreme Court ordered Salta Province to suspend plans to cut approximately two million acres of forest, pending the outcome of a further hearing.

According to a Minority Rights Group International report, many provinces evicted indigenous communities from ancestral lands to sell the land to multinational companies, particularly for petroleum, mining, soy industries, and tourism development.

In December, after protesters from the Mapuche community staged a roadblock, the Chubut Provincial Supreme Court suspended a lower court order evicting a Mapuche family from land they had occupied since 1940. The protesters expressed concern that Chubut Province would evict more indigenous families to provide concessions to mining companies.

The land dispute between the Mbya Guaraní community and La Plata National University over claims to territory in Misiones Province continued without resolution.

The Inter-American Commission on Human Rights (IACHR) continued to evaluate a petition presented by the Lhaka Honhat indigenous association regarding the national government's failure to implement a titling policy that would return their traditional land. The Lhaka Honhat association sent a letter to the IACHR in September asking for greater involvement and a timely resolution to the case.

In October three Mapuche families occupied land in the National Park of Nahuel Huapi in Neuquén Province in an attempt to obtain 123,000 acres for other Mapuche communities. Park officials indicated that they already coexisted with five Mapuche communities in the area.

Also in October the first indigenous radio station, the Indigenous Voice, began broadcasting programs aimed at indigenous communities in Salta Province.

Other Societal Abuses and Discrimination.—During the year, INADI received 82 complaints of discrimination on the basis of sexual orientation or gender identity, 38 of which were resolved rapidly.

In July authorities arrested Sergio Alfredo Nunez, Silvio Elias Soria, and Cesar Javier Ulivarri in connection with the 2006 killing of transgender activist Pelusa Liendro, who was found stabbed in her car 10 days after the broadcast of an undercover videotape she and other activists made of police harassment and abuse of transgender persons in Salta Province. Nunez and Soria remained in pretrial detention at year's end. The court stayed legal proceedings against Rodolfo Aguilares and two other individuals.

In August the National Social Security Administration granted widowed homosexual partners the rights to inherit their partner's pension. Eligible partners must demonstrate that they lived with their partner for at least five years.

INADI received 62 discrimination complaints on the basis of HIV positive status, 34 of which were resolved rapidly. The law prohibits termination of employment of HIV positive employees.

Section 6. Worker Rights

a. The Right of Association.—The law provides all workers, with the exception of military personnel, the right to form and join "free and democratic labor unions, recognized by simple inscription in a special register," and workers exercised this right. An estimated 35 to 40 percent of the workforce was organized.

The Argentine Workers Central (CTA) and other labor groups not affiliated with the CGT contended that the Trade Unions Law provision for the legal recognition of only one union per sector conflicts with the International Labor Organization's (ILO) Convention 87 and prevents the CTA from obtaining full legal standing. In November the Supreme Court declared Article 41 of the Trade Unions Law unconstitutional and upheld the right of a workers' union lacking official legal recognition to elect its own delegates. In addition the ruling asserted that the Ministry of Labor's discretion in awarding official union recognition violates international treaties. The IACHR continued to review the CTA's 2004 petition at year's end.

Unions have the right to strike, although those representing civil servants and workers in essential services are subject to the condition that undefined "minimum services" are rendered. In some cases "minimum services" have already been incorporated in union bargaining agreements, but since the law does not define "minimum services," civil servants and workers in essential services have the right to strike only after a compulsory 15 day conciliation process. Once that term expires, civil servants and workers in essential services must give five days' notice to the administrative authority and the public agency that they intend to strike. All parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, must provide two days' no-

tice to users about the intended strike. Other workers exercised the right to strike by conducting legal strikes.

b. The Right to Organize and Bargain Collectively.—The law provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Social Security ratifies collective bargaining agreements, which covered roughly 75 percent of the formally employed workforce. According to the ILO, the ratification process impeded free collective bargaining because the ministry considered not only whether a collective labor agreement contained clauses violating public order standards but also whether the agreement complied with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year of government refusal to approve any collective agreements under these criteria.

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

c. Prohibition of Forced or Compulsory Labor.—While the law prohibits forced or compulsory labor, including by children, there were isolated reports that such practices occurred.

In April police rescued 30 Bolivians, including children, who were working under exploitative conditions at a poultry farm in Capilla del Señor, Buenos Aires Province. In August the press reported that children and other workers were working in exploitative conditions at other farms owned by the same company. The provincial ministry of labor fined the company 364,000 pesos (\$117,400) and was reviewing additional forced labor complaints, including two deaths, lodged against the company. Press reports indicated the company had not paid the fine by year's end.

In September an appeals court reversed a lower court decision dismissing a case of forced labor against the owners of a prestigious garment company that employed Bolivians working in sweatshops under exploitative conditions. The lower court had dismissed the case on the basis that the Bolivians were culturally predisposed to working under such conditions. The case remained under investigation at year's end.

In September a federal judge indicted the owner and the manager of a garment sweatshop that employed 50 Bolivians, including 20 minors. The judge froze 900,000 pesos (\$290,000) in assets belonging to the owner and seized and transferred sewing machines to a social organization of the employees' choosing so they could continue working. The case remained pending at year's end.

A Buenos Aires city court released four individuals on probation in a 2006 case of forced labor. According to a local antislavery NGO, the individuals were charged for their role in operating clothing sweatshops in the Flores Sur neighborhood that left six Bolivian citizens dead and affected potentially hundreds more.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. In 2004 the National Commission for the Eradication of Child Labor (CONAETI) estimated that up to 1.5 million children, or 22 percent of children under the age of 15, worked in some capacity, an estimate still considered valid.

In June the Congress passed a law raising the minimum age for employment from 14 to 15, which will increase to 16; in rare cases the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 15 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Legal penalties for employing underage workers ranged from 1,000 to 5,000 pesos (\$303 to \$1,515) for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement.

Most illegal child labor took place in the informal sector, where inspectors had limited ability to enforce the law. Child labor included such work as small scale garment production, trash recycling, street sales, domestic service, and food preparation and agricultural production.

CONAETI conducted seminars with the 19 provincial commissions for the eradication of child labor to train provincial authorities responsible for enforcing labor laws and raising awareness regarding exploitive child labor. It also provided technical assistance to NGOs addressing child labor in the tobacco and trash-picking sectors, including workshops with tobacco producers to encourage corporate social responsibility on child labor issues. The Government worked with several NGOs to address the commercial sexual exploitation of children in the triborder area with Brazil and Paraguay, disseminating information on prevention and available assistance for victims. A trilateral network involving local government and civil society was established to help coordinate the antitrafficking efforts.

The Government participated in the MERCOSUR “Nino Sur” (“Southern Child”) initiative to defend the rights of children and adolescents in the region. The initiative included unified public campaigns against commercial sexual exploitation, trafficking and child labor, mutual technical assistance, and the exchange of best practices related to victims protection and assistance.

The Ministry of Education also provided scholarships to reintegrate school drop-outs and supported children who work and attend school. The program also provided parents with job search assistance and job training.

e. Acceptable Conditions of Work.—The Government raised the monthly national minimum wage to 1,240 pesos (\$354), which took effect in December. This was 8 percent less than the estimated amount of 1,350 pesos (\$386) needed by a family of four to maintain a “decent” standard of living. Most workers in the formal sector earned significantly more than the minimum wage. The Ministry of Labor, which is responsible for enforcing legislation related to working conditions, increased inspections to get companies to register their informal workers. In November the Ministry of Labor reported informal urban unemployment at 40 percent. According to a 2007 ILO study, 60 percent of employed citizens ages 15 to 24 were engaged in informal labor.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law sets minimums for periods of rest, requiring a minimum of 12 hours of rest to start a new workday. Sundays are holidays, and those required to work on Sundays are paid double. However, laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector.

The law requires employers to ensure their employees against accidents at the workplace and when traveling to and from work. Workers have the right to remove themselves from dangerous or unhealthy work situations without jeopardy to continued employment. However, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases the worker has the right to judicial appeal, but the process can be very lengthy.

BAHAMAS, THE

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy with a population of approximately 360,000, including an estimated 30,000 undocumented Haitians. Prime Minister Hubert Ingraham’s Free National Movement (FNM) regained control of the Government in May 2007 elections that observers found to be generally free and fair. The civilian authorities generally maintained effective control over security forces.

The Government generally respected the human rights of its citizens. There were problems in some areas, including complaints of abuse by police and prison and detention center guards; poor detention conditions; poor functioning of the judicial system, leading to delays in trials and lengthy pretrial detention; violence against women and children; and discrimination against persons of Haitian descent.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were killings by police. Police investigated such incidents and referred them to a coroner’s court when necessary for further evaluation.

On March 5, police shot a Nassau man in disputed circumstances. The victim later died, and the case was under investigation at year’s end.

The September 2007 case in which a police officer shot and killed a resident of Andros Island was pending at year’s end, although news reports raised questions about the disposition of the case, and there was no coroner’s inquest as had been anticipated.

Two police shootings in November 2007, one at a Nassau crime scene and the other involving a psychiatric patient killed on hospital grounds, remained under investigation at year’s end.

On January 8, the police officer who shot and killed a man on Bimini Island during a December 2007 altercation was charged with manslaughter, without a coroner’s inquest, and released on bail pending trial.

There were no new developments since a coroner's court recommended murder charges against prison guard Sandy Mackey, who allegedly killed an inmate in 2006 in retribution for the death of a fellow officer during a prison escape.

The coroner's court reportedly faced a backlog of more than 150 cases, including six police shootings. In a typical example, the results of a coroner's inquest into a 2004 fatal police shooting were reported on December 3, after a jury ruled the incident an accident.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, but human rights monitors and members of the public expressed concern over continued instances of police abuse of criminal suspects. Police officials, while denying systematic or chronic abuses, acknowledged that police on occasion abused their authority.

Authorities brought charges against two officers in connection with the June 2007 beating of a suspect, Desmond Key, who died in a hospital on January 19. The officers were released on bail, and trial procedures continued at year's end.

No information was available about the outcome of charges placed in February 2007 against seven defense force members for beating a man on the island of Inagua in 2006.

The Privy Council in the United Kingdom upheld the Government's use of flogging as a punishment, which human rights observers considered inhuman and degrading punishment.

Prison and Detention Center Conditions.—Conditions at Fox Hill Prison, the country's only prison, remained harsh for many prisoners. Overcrowding was a major problem in the men's maximum-security block. Originally built in 1953 to hold 450 inmates, it held approximately 700 of the country's 1,400 prisoners. The remaining prisoners were held in medium- and minimum-security units that were at intended capacity. The prison remand area, built to hold 300 prisoners awaiting trial, was insufficient to hold the approximately 600 prisoners awaiting trial, leaving many pretrial detainees confined in cells with convicted prisoners in the maximum-security unit. Male prisoners in the maximum-security unit were crowded into poorly ventilated cells that generally lacked regular running water. Prisoners lacked beds, slept on concrete floors, and if not participating in work programs were locked in small cells 23 hours per day, often with human waste. Maximum-security inmates were allowed outside for exercise four days a week for one hour per day. Inmates complained of inadequate potable water, lack of medical care, and poor treatment.

There continued to be allegations of abuse by prison guards. Local attorneys and human rights observers asserted that the prison's internal affairs unit lacked the independence needed to investigate impartially allegations of abuse and misconduct; it conducted no investigations during the year. In 2006 the unit recommended that one officer be prosecuted for abuse of an inmate, which was pending at year's end.

The Government continued funding improvements in prison facilities and prisoner rehabilitation programs. Prison officials continued to offer technical and vocational programs to eligible prisoners.

Conditions for women prisoners were less severe than for men; however, women did not have access to the same work-release programs available to male prisoners.

The prison has a separate section for juvenile offenders between the ages of 16 and 18. There was occasional mixing of juveniles with adult inmates depending on the severity of their crimes. Offenders younger than 16, along with children made wards of the court by their parents because of "uncontrollable behavior," were held at the Simpson Penn Center for Boys and the Williamae Pratt Center for Girls.

The Carmichael Road Immigrant Detention Center held up to 500 detainees (with tent space for an additional 500), and women and men were held separately. Haitians and Jamaicans were the most commonly interdicted migrants. The highest occupancy during the year was approximately 600. Observers complained of continuing abuse by guards, although immigration officials claimed that no such complaints were filed during the year. Human rights groups expressed concern that complaint investigations were handled internally without independent review and oversight. Children under the age of 14 were held in the women's dormitory. Many children arriving with both parents were not allowed contact with the father except during weekly visitation. Despite the possibility of being held for months, children did not have access to education.

Neither domestic nor international human rights groups made any requests to visit the detention center or prison during the year. However, organizations providing aid, counseling services, and religious instruction had regular access to inmates.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, although police occasionally were accused of arresting and detaining persons arbitrarily.

Role of the Police and Security Apparatus.—The Royal Bahamas Police Force (RBPF) maintains internal security, and the small Royal Bahamas Defense Force (RBDF) is responsible for external security, security at the Carmichael Road Detention Center, and some minor domestic security functions such as guarding foreign embassies and ambassadors. The Ministry of National Security oversees the RBPF and the RBDF.

A police officer involved in shooting or killing a suspect is automatically placed under investigation. The Police Complaints and Corruption Branch, which reports directly to the deputy commissioner without any independent oversight, was responsible for investigating allegations of police brutality. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant disciplinary action within the police system or, in some cases, criminal prosecution by the attorney general. Local attorneys and human rights observers expressed concern that the Police Complaints and Corruption Branch lacked the independence needed to investigate impartially allegations of abuse and misconduct and that the perceived lack of impartiality discouraged full reporting of complaints.

There were 300 complaints against police through December 19, compared with 249 in 2007. Of these 300 cases, authorities resolved 139, 60 awaited judicial determination of a complainant's pending case, and 101 were under investigation. Of the 139 completed matters, 17 were referred to a police tribunal, 11 were resolved informally, warnings were requested in four cases, officers were discharged in three cases, and the rest were withdrawn (20), unsubstantiated (33), unfounded (8), had insufficient evidence (39), or did not require further action (4). Information on the nature of the complaints was unavailable, but in the past included assault, unethical conduct, unlawful arrest, and stealing. The number of criminal charges filed, if any, was not reported.

Arrest and Detention.—In general the authorities conducted arrests openly and, when required, obtained judicially issued warrants. Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. The law provides that a suspect must be charged within 48 hours of arrest. Arrested persons appear before a magistrate within 48 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Police can apply for a 48-hour extension upon simple request to the court and for longer extensions with sufficient showing of need. Some persons on remand claimed they were not brought before a magistrate within the 48-hour time frame. The Government generally respected the right to a judicial determination of the legality of arrests.

There is a functioning bail system. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice foreign suspects generally preferred to plead guilty and pay a fine rather than pursue their right to defend themselves, given possible delays in court cases and harsh conditions in the prison. Many foreign suspects paid bail and fled the country to avoid extended detention and prosecution.

Attorneys and other prisoner advocates continued to complain of excessive pretrial detention due to the failure of the criminal justice system to try even the most serious cases in a timely manner. The constitution provides that suspects can be held for a "reasonable period of time" before trial. Government officials stated that approximately 600 of the 1,400 prisoners at Fox Hill Prison were awaiting trial. Available government statistics suggested that approximately 100 prisoners had been held on remand without trial for more than two years. In September the minister of national security reported that 13 persons had been on remand for five years or more. This was recognized as a major problem in the justice system, as criminals accused of serious crimes made bail, often to commit more crimes, while many others were held indefinitely without trial. The minister also stated that more than one-third of those charged with murder during the previous 30 months were free on bail for a previous murder indictment.

The authorities detained illegal immigrants, primarily Haitians, until arrangements could be made for them to leave the country or they obtained legal status. The average length of detention varied significantly by nationality, willingness of governments to accept their nationals back in a timely manner, and availability of funds to pay for repatriation. Haitians usually were repatriated within one week, while Cubans were held for much longer periods. Illegal immigrants convicted of crimes other than immigration violations were held at Fox Hill Prison, where they

often remained for weeks or months after serving their sentences, pending deportation.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of five years. Trial by jury is available only in the Supreme Court, which handles most major cases. Magistrate's court decisions may be appealed to the Court of Appeal; the Privy Council in the United Kingdom is the final court of appeal.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty and are permitted to question witnesses at trial and view government evidence. Defendants have a right to appeal. There is a functioning system of bail, but individuals who could not post bail were held on remand indefinitely.

The judicial system had a large and steadily expanding backlog of cases, numbering as high as 8,700, which included hundreds of cases of the most serious types of violent crime. In July the newly appointed attorney general ordered an audit to determine the actual scope of the problem. Delays reportedly lasted five years or more. Local legal professionals attributed delays to a variety of longstanding systemic problems, such as slow police investigation, inefficient prosecution strategies, lack of judicial capacity, lengthy legal procedures, staff shortages, and judicial inefficiency compounded by financial and space constraints. In November the Government passed a bill to expand the possibilities for plea bargaining in order to speed trials and begin to address the backlog in the judicial system.

Defendants may hire an attorney of their choice, but the Government provided legal representation only to destitute suspects charged with capital crimes, leaving large numbers of defendants without adequate legal representation. Lack of representation contributed to excessive pretrial detention, as some accused lacked the means to pursue the case toward trial.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

While the law usually requires a court order for entry into or search of a private residence, a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation or drug possession exists.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and expressed a wide variety of views without significant restriction.

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

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, the Plays and Films Control Board rates and censors entertainment.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution explicitly calls for respect for Christian values.

The practice of Obeah, a version of voodoo, is illegal, and those convicted of practicing it were liable to three months' imprisonment.

Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination and no reports of anti-Semitic acts. The local Jewish community numbered approximately 200 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

Protection of Refugees.—Although the country is a signatory to both the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a consistent system for providing protection to all refugees and asylum seekers. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Applications for political asylum were adjudicated on a case-by-case basis at the cabinet level. The authorities did not grant asylum during the year.

The Government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reviewed the interview records of cases provided to it and offered recommendations on certain cases.

Local and international human rights observers criticized the Government for failing to screen potential asylum applicants adequately. Those requesting asylum screening often lacked access to legal counsel. Human rights observers claimed that the Government detained Cuban migrants for excessive periods. The Government asserted that all migrants who claimed asylum were interviewed and screened adequately by trained immigration officials.

Stateless Persons.—The Government has not effectively implemented laws and policies to provide certain habitual residents the opportunity to gain nationality in a timely manner and on a nondiscriminatory basis. Children born to non-Bahamian parents or to a Bahamian mother and a non-Bahamian father do not automatically acquire citizenship. Bahamian-born persons of foreign heritage must apply for citizenship during the year after their 18th birthday, sometimes waiting many years for a government response. Human rights activists claimed that the narrow window for application, difficult documentary requirements, and long waiting times created generations of de facto stateless persons, i.e., those without citizenship in any country. Following rule changes instituted with government assent, individuals born in the country to Haitian parents were no longer required to pay the college tuition rate for foreign students while waiting for their request for citizenship to be processed. There were no reliable estimates of the number of stateless persons.

On November 19, the Immigration Department announced the initial results of an audit of approximately 2,000 outstanding residence and citizenship claims conducted in August 2007. The audit found that 86 persons, including 47 Haitians, were approved and 22 applications were denied, and more than 700 cases remained pending. However, the remaining claims, more than half the total, remained in different procedural categories or were regarded as incomplete.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The two principal political parties are the governing FNM and the opposition Progressive Liberal Party (PLP). In May 2007 national elections generally considered free and fair, the FNM won 23 of 41 seats in the House of Assembly and formed the new government under Hubert Ingraham. The election campaign under the incumbent PLP, however, was marred by instances of violence, the influential state-owned electronic media's alleged favoritism toward government candidates, and allegations of vote-buying.

The PLP lost the elections and unsuccessfully pursued court cases challenging the election results in three constituencies. On January 21, a court ruled in the new government's favor in the first of three challenges after a recount confirmed the disputed candidate's victory. On December 11, a court-ordered recount in the second case confirmed the victory of the Government candidate. The third case reportedly was abandoned.

The House of Assembly had five elected female members; there were nine appointed female senators, including its president, in the 16-seat Senate. There was

one woman in the new 19-member cabinet after two women, one also a senator, were appointed to other positions following cabinet changes in July.

Information on racial background was not collected, but there were several members of minorities in prominent positions in parliament and the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Both hiring and procurement practices under the then incumbent PLP government came under intense scrutiny in the media and in parliament in 2007, with official corruption alleged.

An Organization of American States (OAS) expert committee released a report on government implementation of the Inter-American Convention against Corruption in December 2007. The exhaustive report noted the absence of whistleblower protections and insufficient transparency in government hiring of public servants and said that public contracting provisions “are inadequate in ensuring transparency.”

Senior public officials, for example senators and members of parliament, were subject to financial disclosure under the Public Disclosure Act. Antibribery legislation designates the attorney general responsible for combating government corruption.

The RBPF operated a complaints and corruption branch, but no data were available regarding the number of corruption complaints received or investigations undertaken during the year. The OAS report found the RBPF mechanism to be inadequate in light of the Government’s obligations under the convention.

Media representatives criticized the lack of laws providing for public access to government information. Members of the local press also complained that the Government failed to provide regular, open access to information, including information regarding alleged human rights violations. Specifically, press and local human rights groups complained that the Government was not forthcoming about alleged human rights abuses by police and prison and detention center guards, citing a lack of transparency in investigations and publication of investigative reports.

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

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

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

The constitution prohibits discrimination on the basis of race, place of origin, political opinion, or creed, and the Government generally enforced these provisions. However, the constitution and the law contain provisions that discriminate against women.

Women.—Rape is illegal, but the law does not address spousal rape. The maximum penalty for a first-time offender is seven years’ imprisonment, and in the case of a second or subsequent conviction, the penalty is 14 years’ imprisonment. On November 26, parliament passed legislation increasing the maximum penalty to life imprisonment. According to the RBPF, there were 114 rapes reported during the year, a decrease from 136 in 2007. Prosecutions and convictions on rape charges were common.

Violence against women continued to be a serious, widespread problem. The law prohibits domestic violence, and the Government generally enforced the law. However, domestic violence laws do not provide penalties separate from other crimes of assault and battery and do not effectively criminalize sexual violence within a marriage. On December 1, the Domestic Violence Act of 2007 came into force, but it was too early to assess its impact. The police reported that six of 54 killings recorded through September 23 were related to domestic violence. Women’s rights groups cited a general reluctance on the part of law enforcement authorities to intervene in domestic disputes. The police recognized domestic violence as a high priority, provided specialized training for all incoming officers, and offered continuing training in domestic violence.

The Government operated a toll-free hot line in New Providence and Grand Bahama, with trained volunteers to respond to emergency calls 24 hours a day. Government and private women’s organizations continued public awareness campaigns highlighting the problems of abuse and domestic violence. The Ministry of Labour and Social Development’s Department of Social Services, in partnership with a private organization, operated a safe house to assist battered women.

Prostitution is illegal and was not a widespread problem. There are no laws specifically addressing sex tourism. Police officials acknowledged that sex entertainment was a developing industry but did not consider sex tourism a problem.

The law prohibits criminal “quid pro quo” sexual harassment and authorizes penalties of up to B\$5,000 (\$5,000) and a maximum of two years’ imprisonment. Civil rights advocates complained that criminal prohibitions were not enforced effectively and that civil remedies, including a prohibition on “hostile environment” sexual harassment, were needed.

The law does not provide women with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses than for women with foreign spouses to confer citizenship on their children. The law does not include gender as a basis for protection from discrimination. Women were generally free of economic discrimination, and the law provides for equal pay for equal work.

Children.—The Government claimed child welfare and education were priorities but did not allocate sufficient funding to maintain and improve standards. Some public schools lacked basic educational materials and were overcrowded.

Both the Government and civic organizations conducted public education programs aimed at child abuse and appropriate parenting behavior; however, child abuse and neglect remained serious problems. The RBPF operated a hot line regarding missing or exploited children.

The Department of Social Services reported that cases of child abuse increased during the year, and in some categories surpassed previous year’s totals. Child neglect cases, for example, numbered 226 by August, which already exceeded the total for 2007. The ministry believed that only a minority of cases were reported.

The law requires all persons having contact with a child they believe to have been physically or sexually abused to report their suspicions to the police. Sexual exploitation of children through incestuous relationships occurred, and observers generally acknowledged that a small number of children were involved in illicit or unlawful activities. The ministry may remove children from abusive situations if the court deems it necessary. The ministry provided services to abused and neglected children through a public-private center for children, through the public hospital family violence program, and through a nonprofit crisis center.

The Department of Social Services is responsible for abandoned children up to 18 years of age but had very limited resources at its disposal. The Government found foster homes for some children, and the Government hospital housed abandoned children with physical disabilities when foster homes could not be found.

Trafficking in Persons.—On November 26, parliament passed legislation specifically addressing trafficking in persons for the first time. The law also prohibits prostitution and the procurement of persons for purposes of prostitution either in or outside the country by force, threats, intimidation, or the administering of drugs. The maximum penalty for trafficking in persons is life imprisonment.

There were reports that persons were trafficked within, to, or from the country, but the full nature and extent of the problem were undetermined. The previous lack of a legal prohibition rendered it difficult to measure accurately the extent of trafficking within the vulnerable illegal migrant communities. It was too early to assess the impact of the new legislation and how it will be implemented and enforced in order to prosecute perpetrators, protect and assist victims, or prevent trafficking.

According to limited reports, men, women, and children may be trafficked for the purpose of labor exploitation. Local sources indicated that labor exploitation of undocumented Haitians could be widespread, and some immigrants may be subjected to conditions of involuntary servitude. Employers could coerce migrants to work long hours for no pay or below the minimum wage by withholding documents or threatening arrest and deportation. Migrant workers usually do not have access to labor protections under local law.

A 2005 International Organization for Migration report on human trafficking suggested a link between irregular migration and forced labor for domestic servitude, agriculture, and construction. Some commercial sexual exploitation of women and minors has been identified.

Local observers previously complained that the law does not protect trafficking victims, who might be fearful of pressing complaints due to emphasis on immigration enforcement. The new legislation details provisions for assistance and protection for victims, including witness protection and special immigration procedures for nonresidents to facilitate investigation and prosecution.

Persons With Disabilities.—There is no specific law protecting persons with physical or mental disabilities from discrimination in employment, education, access to health care, or in the provision of other state services. Although the law mandates

access for persons with physical disabilities in new public buildings, the authorities rarely enforced this requirement, and very few buildings and public facilities were accessible to persons with disabilities. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward the need for training and equal opportunity.

The social development ministry's Disability Affairs Unit worked with the Bahamas National Council for Disability, an umbrella organization of nongovernmental organizations that offered services for persons with disabilities, to provide a coordinated public and private sector approach to the needs of such persons. A mix of government and private residential and nonresidential institutions provided education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

National/Racial/Ethnic Minorities.—The country's racial and ethnic groups generally coexisted in a climate of peace and mutual respect without overt racial or other tensions. However, anti-Haitian prejudice and resentment regarding continued Haitian immigration was common. According to unofficial estimates, between 10 and 25 percent of the population were Haitians or persons of Haitian descent, making them the largest ethnic minority. Many persons of Haitian origin lived in shantytowns with limited sewage and garbage services, law enforcement, or other infrastructure. Haitian children generally were granted access to education and social services, but interethnic tensions and inequities persisted.

Lawyers for an illegal Haitian resident in Nassau, whom an RBDF officer shot and injured in May 2007, continued their civil suit seeking damages against the officer, the commander of the RBDF, and the attorney general for false arrest, false imprisonment, assault and battery, and malicious prosecution, even though the man was subsequently deported.

Members of the Haitian community complained of discrimination in the job market, specifically that identity and work permit documents were controlled by employers seeking leverage by threat of deportation. Some also complained of tactics used by immigration officials in raids of Haitian or suspected Haitian communities.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals occurred, with some persons reporting job and housing discrimination based upon sexual orientation. Although homosexual relations between consenting adults are legal, there was no legislation to address the human rights concerns of homosexuals, lesbians, bisexuals, or transgendered persons. In 2006 the Constitutional Review Commission found that sexual orientation did not deserve protection against discrimination.

Three killings of reportedly gay individuals during the year, following sensationalistic media reporting of gay links in two high-profile murders in Nassau in November 2007, added to the atmosphere of societal intolerance. These killings were still under police investigation at year's end.

Stigma and discrimination against persons with HIV/AIDS was high. Violence against persons with HIV/AIDS was not reported, although the May victim in one of the unsolved gay killings was the most prominent HIV/AIDS activist in the country. His death drew much media attention and caused the HIV/AIDS center to close for three months because press attention deterred those seeking information and treatment. Children living with HIV/AIDS also faced discrimination, and teachers often were not told that a child was HIV positive for fear of verbal abuse from both educators and peers. The Government maintained a home for orphaned children infected with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions without previous authorization or excessive requirements, and those laws were applied in practice. Almost one-quarter of the workforce (and 80 percent of the workers in the important hotel industry) belonged to unions. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions.

The law provides for the right to strike, and while workers exercised this right in practice, the Government has the right to intervene in the national interest to assure delivery of essential services. The law requires that before a strike begins, a simple majority of a union's membership must vote in favor of a motion to strike. The Ministry of Labor and Social Development must approve a strike ballot. Surprise labor actions by employees of the telecommunications monopoly August 11–12 disrupted downtown Nassau and Freeport. Employers and government officials viewed the demonstrations as unsanctioned and illegal strikes, and disciplinary action was taken against workers involved, according to media reports.

b. The Right to Organize and Bargain Collectively.—Workers freely exercised their right to organize and participate in collective bargaining, which the law protects. Unions and employers negotiated wage rates without government interference.

The law prohibits antiunion discrimination, and employers can be compelled to reinstate workers illegally fired for union activity. This law was generally enforced. Under the law, labor disputes first are filed with the labor ministry and then, if not resolved, are transferred to an industrial tribunal. The tribunal's decision is final and can be appealed in court only on a strict question of law. Some employers complained that the industrial tribunal was biased unfairly in favor of employees. Employees at a salt plant went on strike August 8, citing, among other reasons, dissatisfaction with the referral of their grievances to the tribunal.

Freeport is a specially designated free trade zone. Labor law and practice in this zone do not differ from those in the rest of the country. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law prohibits the employment of children under the age of 14 for industrial work or work during school hours, some children worked part-time in light industry and service jobs. Children under the age of 16 may not work at night. There was no legal minimum age for employment in other sectors. The labor ministry is responsible for enforcing these laws and did so adequately.

e. Acceptable Conditions of Work.—The Government sets minimum wages in a transparent and tripartite manner. The minimum wage for government employees, set in 2000, was B\$4.45 (\$4.45) per hour. A minimum wage for the private sector was established in 2002 at B\$4.00 (\$4.00) per hour. The labor ministry was responsible for enforcing the minimum wage but did not do so effectively. Undocumented migrant workers often earned less than the minimum wage. The minimum wage did not provide a decent standard of living for a worker and family.

The law provides for a 40-hour workweek, a 24-hour rest period, and time-and-a-half payment for hours worked beyond the standard workweek. These standards were enforced effectively.

The labor ministry is responsible for enforcing labor laws and had a team of inspectors that conducted on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints, although inspections occurred infrequently. The ministry normally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards. It was uncertain whether these inspections effectively enforced health and safety standards, although the ministry actively sought international assistance during the year to improve performance. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

BARBADOS

Barbados is a parliamentary democracy with a population of approximately 278,000. In January 15 general elections, the Democratic Labour Party (DLP), which had been in opposition since 1994, defeated the Barbados Labour Party, and DLP leader David Thompson became prime minister. Civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, problems included excessive use of force by police, poor prison conditions, and societal violence against women and children.

RESPECT FOR HUMAN RIGHTS

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

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

No information was available about the outcome of investigations into three police killings that occurred in 2006.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution specifically prohibits torture and inhuman or degrading punishment or other treatment, there were reports that police sometimes used excessive force. The majority of complaints against the police alleged unprofessional conduct and beating or assault. Police were occasionally accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their trial. There were many cases where the only evidence against the accused was a confession. Suspects and their family members continued to allege coercion by police, but there was no evidence of systematic police abuse.

Prison and Detention Center Conditions.—Prison conditions improved since November 2007, when 1,084 prisoners were transferred to H.M.P. Dodds, a new permanent prison in St. Philip, designed to meet modern international standards with a capacity of approximately 1,250 prisoners. In December it held 664 long-term prisoners (those serving 90 days or more), plus a varying number of short-term and pretrial detainees. The temporary facility at Harrison Point was closed, and regular visiting rights were restored for family members and attorneys. In October, during weeks of heavy rains, washouts and flooding in St. Philip led to a brief water crisis in the prison, due to a poorly functioning water storage system, and the prison was closed to visitors for approximately 10 days. Although prisoners occasionally complained about the quality of the food, Dodds has a new canteen program where family members can make cash deposits into inmate accounts, and inmates may purchase popular food, snacks, toiletries, and dry goods. The general reaction to the new prison was positive.

Despite opening the new prison, the Government was reviewing proposals by private sector firms to revamp the prison system, including proposals to address potential long-term prison overcrowding.

The Government permitted prison visits by independent human rights monitors.

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

Role of the Police and Security Apparatus.—The Royal Barbados Police Force (RBPF) numbered 1,429—including 958 special constables—and is responsible for internal law enforcement. While still a male-dominated profession, the number of female recruits increased to 210. The small Barbados Defence Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The RBPF reports to the minister of home affairs, and the BDF reports to the minister of defense and security. Although the police largely were unarmed, special RBPF foot patrols in high-crime areas carried firearms. An armed special rapid response unit continued to operate. The law provides that the police can request the BDF to assist them as needed with special joint patrols.

The Office of Professional Responsibility (OPR), headed by a superintendent, handled complaints of inappropriate police conduct. The office does not answer to independent civil authority and was frequently the subject of complaints of inaction concerning accusations of police abuse. The authorities did not report the number of cases the OPR handled, and there were no convictions of police for unlawful conduct or abuse of authority.

Arrest and Detention.—Police are authorized to arrest persons suspected of criminal activity; a warrant is typically required. The constitution permits detainees to be held without charge for up to five days; however, once charged, detainees must be brought before a court without unnecessary delay. There is a functioning bail system. Criminal detainees were given prompt access to counsel and were advised of that right immediately after arrest. Access to family members generally was permitted.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects, and other persons they hold, only at a police station. An officer must visit detainees at least once every three hours to inquire about the detainees' condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. The authorities must approve and record all movements of detainees between stations.

There were between 50 and 100 persons in pretrial detention at various times during the year. While length of pretrial detention can vary from one case to another, there were no reports of extended periods of pretrial detention or abuse of the practice.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary includes the courts of first instance, or magistrate's courts, and the Supreme Court of Judicature, which consists of the High Court and the Court of Appeals. The Caribbean Court of Justice is the final court of appeal.

Trial Procedures.—The constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent, impartial court and a trial by jury. The Government generally respected these rights in practice. Defendants have the right to be present and to consult with an attorney in a timely manner. The Government provided free legal aid to the indigent in family matters, child support, serious criminal cases such as rape or murder, and all cases involving minors. Defendants are allowed to confront and question witnesses and present evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty and have the right of appeal.

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

Civil Judicial Procedures and Remedies.—Magistrate's courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens can seek redress for human rights or other abuses through the civil system.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were occasional incidents involving police altercations with the press. On December 19, police arrested two journalists who were attempting to cover the arraignment of a police officer charged with drug possession and trafficking charges.

The Government restricted the receipt and importation of foreign publications deemed to be pornographic.

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

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For more detailed information, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened.

The Government did not grant refugee status or asylum during the year. Although no known cases occurred, the Government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In general elections held on January 15, the DLP, which had been in opposition since 1994, defeated the Barbados Labour Party, led by Prime Minister Owen Arthur. The DLP took 20 of the 30 seats available in the parliament's House of Assembly, and DLP leader David Thompson was sworn in as prime minister on January 16.

There were no restrictions on the political opposition. Individuals and parties were free to declare their candidacy and stand for election.

Two cabinet members were female; there were three women in the House of Assembly. There were four women and three minorities in the 21-member appointed Senate.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There was one report of alleged corruption involving a government-funded housing development program overseen by a junior minister under the previous government. Although the DLP uncovered the alleged corruption and called for an independent investigation, the opposition party did not officially dispute the incident and also called for an investigation. The DLP continued to allege corruption surrounding the building of the national highway system, begun under the opposition party. However, no official investigations were undertaken into either set of charges.

There is no law that subjects public officials to financial disclosure. Parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

There is no law providing citizens access to information held by the Government. While access to information was provided on government Web sites, responses to requests for specific government information by citizens and other interested parties often were slow.

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

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

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

The constitution provides for equal treatment regardless of race, origin, political opinion, color, creed, or sex, and the Government effectively enforced these provisions.

Women.—The law prohibits rape, including spousal rape, and the maximum penalty for it is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. At year's end the RBPF reported 54 rapes, four assaults with intent to rape, and 25 cases of sex with a minor.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence, provides protection to all members of the family, including men and children, and applies equally to marriages and to common-law relationships. Penalties depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) up to the death penalty for a killing. Victims may request restraining orders, which the courts often issued. The courts can sentence an offender to jail for breaching such an order. The police have a victim support unit, made up of civilian volunteers, which offered assistance primarily to female victims of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club operated a crisis center staffed by trained counselors and provided legal and medical referral services. The Government funded one shelter for battered women, operated by nongovernmental organizations (NGOs), which accommodated up to 20 women and children. The shelter offered the services of trained psychological counselors to victims of domestic violence.

The Bureau of Gender Affairs cited a lack of specific information and an appropriate mechanism for collecting and evaluating data on incidents of domestic violence as the major impediments to tackling gender-based violence.

Prostitution is illegal, but it remained a problem, fueled by poverty and tourism. A number of brothels with women from Guyana, the Dominican Republic, and other Caribbean islands operated in the country. The police and immigration officers periodically raided brothels and deported women found working illegally. There is no statute specifically prohibiting sexual tourism and no statistics on it, but anecdotal evidence suggested that it occurred.

The law does not deal with sexual harassment, and sexual harassment in the workplace was a problem, but no statistics were available. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace. An NGO advocacy group called the Coalition on Sexual Harassment, together with the Department of Labor, among others, called for legislation to address this problem.

The Office of Gender Affairs in the Ministry of Social Transformation worked to ensure the rights of women. Women have equal property rights, including in a divorce settlement. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors. A Poverty Eradication Fund focused on encouraging entrepreneurial activities to increase employment for women and youth.

Children.—The Government was committed to children's human rights and welfare, although violence and abuse against children remained serious problems.

The Child Care Board has a mandate for the care and protection of children, which involved investigating day care centers and cases of child abuse or child labor and providing counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family related issues, and the Child Care Board conducted counseling for child abuse victims.

Trafficking in Persons.—The constitution and laws do not specifically prohibit trafficking in persons, although laws against slavery, forced labor, or other crimes could be applied. A law prohibiting the procurement of persons for sex, which carries a 15-year sentence, could be used to prosecute that type of trafficking cases. There were limited reports that persons were trafficked to the country, both to work as prostitutes and as domestic workers or in the construction and garment industries.

The Government has no dedicated facilities to assist victims and does not provide funding to antitrafficking NGOs. During the year the Immigration Department deported a total of 258 persons for unspecified immigration violations, the majority of whom were from Guyana (129), followed by Jamaica (67), and Saint Vincent and the Grenadines (24). Trafficking victims were often treated as criminals and deported after being held only temporarily for questioning.

The Office of Gender Affairs organized public forums to raise awareness of trafficking in persons.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Transformation operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools.

While no legislation mandates provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

The Government's National Disabilities Unit continued numerous programs for persons with disabilities, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

Other Societal Abuses and Discrimination.—The law criminalizes consensual homosexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred. An NGO reported an instance in which a gay person who sought police protection from an abusive partner was denied and later killed by that partner.

The Government funded a large country-wide media campaign to discourage discrimination against HIV/AIDS-infected persons and others living with them.

Section 6. Worker Rights

a. The Right of Association.—Workers freely exercised their right to form and belong to trade unions. Approximately 25 to 30 percent of the 120,000-person workforce was unionized; unionized workers were concentrated in key sectors such as transportation, government, and agriculture. There were two major unions, one in the public sector and the other focused on the private sector; with no competition between them, the unions wielded significant influence.

The law provides for the right to strike, and workers exercised this right in practice. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures.

b. The Right to Organize and Bargain Collectively.—Workers exercised the legal right to organize and bargain collectively. Since 1993 a series of negotiated protocols contained provisions for increases in basic wages and increases based on productivity. Government, private sector, and labor representatives signed a fifth such protocol in 2005.

Although employers were under no legal obligation to recognize unions under the law, most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provide a method of redress for employees who allege wrongful dismissal. The courts commonly awarded monetary compensation but rarely ordered reemployment.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for a minimum working age of 16, and this provision generally was observed in practice. Compulsory primary and secondary education policies reinforced minimum age requirements. The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers.

e. Acceptable Conditions of Work.—The law provides for and the authorities established minimum wage rates for specified categories of workers. The process is transparent and involves tripartite participation by government, labor, and the private sector. The categories of workers with a formally regulated minimum wage are household domestics and shop assistants. The minimum wage for these employees was BDS\$5 (approximately \$2.50) per hour, which was only marginally sufficient to provide a decent standard of living for a worker and family. The Ministry of Labor and Social Security recommended that companies use this as the de facto minimum wage, and most employees earned more than the minimum wage. The Labor Department within that ministry was charged with enforcing the minimum wage. There were occasional press reports alleging that migrant workers received less than the minimum wage.

The standard legal workweek is 40 hours in five days, and the law requires overtime payment for hours worked in excess. The law prescribes that all overtime must be voluntary.

The 2005 Occupational Safety and Health at Work Act was never promulgated into law. The Labor Department enforced other health and safety standards, such as those in the 1986 Factories (Amendment) Act, and in most cases followed up to ensure that management corrected problems cited. The law requires that in certain sectors firms employing more than 50 workers create a safety committee that could challenge the decisions of management concerning the occupational safety and health environment. Civic organizations such as the Barbados Employer's Confederation worked closely with the Government to ensure that worker safety is protected despite the nonimplementation of the 2005 law. Trade union monitors identified safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Labor Department's Inspections Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants. Workers had the right to

remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

BELIZE

Belize is a constitutional parliamentary democracy with an estimated population of 314,300. Prime Minister Dean Barrow's United Democratic Party (UDP) won 25 of the 31 seats in the House of Representatives following generally free and fair multiparty elections held on February 7. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The Government generally respected the human rights of its citizens. Human rights problems included brutality and the use of excessive force by security forces, which the Government in some cases took steps to prosecute administratively. Lengthy pretrial detention remained a problem. Domestic violence, discrimination against women, sexual abuse of children, trafficking in persons for sexual and labor exploitation, and child labor were also problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In August a police constable was charged with murder for fatally shooting a man in the back of the head. The court date originally set for October was postponed twice and remained to be rescheduled.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution prohibits torture or other inhuman punishment, there were numerous reports that police used excessive force.

The politically appointed position of ombudsman that previously received complaints of alleged misconduct and abuse by police remained vacant from February through year's end. Several cases of alleged abuse featured in the press were never reported to the Office of the Ombudsman or to the Police Department's Office of Internal Affairs (OIA) for investigation. The Government occasionally ignored reports of abuses, withheld action until the case had faded from the public's attention, and then failed to take punitive action or transferred accused officers to other districts.

Through year's end the OIA recorded 82 allegations of police violence and 48 complaints of police abuse. The ombudsman received 229 complaints of alleged police abuse in 2007 but suspended taking complaints from February to year's end while the office was vacant.

In February a San Ignacio police corporal was arrested on charges of extortion and unlawful carnal knowledge (sexual relations with a child between 14 and 16 years old) of a 14-year-old girl. The case was heard and adjourned in October.

In March an Orange Walk woman was hospitalized with cuts and bruises to her neck and hands. She stated that two police officers grabbed her outside her home, claiming that she was drunk and disturbing the peace, and then beat her. Only one police officer was investigated and found guilty. He was transferred and was required to pay a fine.

In May a police officer beat a Dangriga hospital patient with a shotgun. At a disciplinary hearing, the court found the supervising officer guilty of one count of prejudice to good order and discipline and one count of neglect of duty. He was demoted and fined. The court criminally charged the second officer with "harm, wounding, and aggravated assault." His trial began on October 22, was adjourned twice, and was scheduled to resume in 2009.

In September 2007 a man claimed that a police corporal used excessive force against him while he was in police custody. On May 13, a court dismissed the case against the corporal for lack of sufficient evidence.

In September 2007 a Dangriga police constable was suspended from duty on charges of raping a 14-year-old girl. The officer's case was postponed and scheduled for trial in the Supreme Court in February 2009.

In October 2007 police shot and killed a San Pedro man, claiming afterward that he had pointed a gun at them. Although ordered by the Director of Public Prosecutions (DPP), a coroner's inquest had not been rescheduled, and the case remained under investigation at year's end.

In December 2007 another San Pedro man claimed that police apprehended him after they planted marijuana in his home. He claimed he was held in a cell, hand-

cuffed, beaten with batons and rubber hoses, and sprayed with pepper spray. A police tribunal investigated five officers, convicted two of using unwarranted personal violence on a person in custody, and fined and severely reprimanded them. The other officers were acquitted and transferred. The victim did not request any court action.

On January 15, a police tribunal dismissed for lack of sufficient evidence a 2006 case in which police allegedly used batons to beat three brothers in their home.

The solicitor general reached a partial settlement with two men from Stann Creek who claimed that Dangriga police tortured them in 2005 with electric shocks and beating. The Government paid monetary compensation; there were no reports of disciplinary action. One of the police officers involved was promoted following the filing of the case and was subsequently involved in another instance of misconduct.

Prison and Detention Center Conditions.—Prison conditions were poor and did not meet international standards. The country's only prison, Hattieville Central Prison, which was designed for 1,200 inmates, held 1,351 inmates, including 30 women and 59 juveniles. Although the prison budget provided \$12 BLZ (\$6.00) per prisoner per day to cover all operating costs, a local nonprofit organization, the Kolbe Foundation, which administered Hattieville, reported that actual costs were \$15 BLZ (\$7.50) per inmate per day. Prison officials reported overcrowding in the two buildings that served as the remand section of the prison.

The Kolbe Foundation, which investigated formal complaints regarding prison conditions, reported no cases of abuse or excessive force by prison officials. Isolation in a small, unlit, unventilated punishment cell called "supermax" was used to discipline inmates.

There were daily reports of inmate-on-inmate abuse, although no killings were reported during the year. Prisoners convicted or accused of certain serious crimes such as child molestation were often held in the remand section of the Hattieville prison for their protection.

The Government's Women's Department provided counseling and educational services for female inmates. The prison included a separate facility for women, located 200 yards outside the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The Government does not incarcerate female juveniles charged or convicted of crimes but places them in the care of the Government social services authorities. During the year there were no female juveniles in the custody of the social services authorities. Juvenile males, on remand and convicted, lived in a separate facility outside the main perimeter fence.

The Government permitted visits by independent human rights observers, although none took place during the year.

d. Arbitrary Arrest or Detention.—Although the constitution and law prohibit arbitrary arrest and detention, there were occasional accusations of arbitrary arrest and detention.

Role of the Police and Security Apparatus.—National and local police under the Office of the Commissioner of Police maintain internal security. The Ministry of National Security supervises the Department of Police and the Department of Immigration. The Customs Department reports to the Ministry of Finance. The Belize Defense Force (BDF), under the Ministry of National Security, handles external security and also has some responsibilities for domestic security under the Office of the Commissioner of Police to complement mobile and foot patrols. BDF soldiers carry out preventive patrols along with the police, primarily in Belize City. The 1,240-member national police force responded to complaints. A lack of government resources, low pay for officers, and corruption remained problems. During the year there were no reported cases of impunity for security authorities.

The OIA received and investigated 30 complaints of police corruption. Twenty-one police officers were disciplined for corruption, violence, or abuse, resulting in 10 monetary fines, five reprimands, two severe reprimands, and four dismissals. Thirty-seven cases related to corruption, violence, or abuse remained under investigation.

In March three police officers faced disciplinary charges for planting cocaine in the home of a Taiwanese man and then demanding \$2,000 BLZ (\$1,000) from the man to avoid arrest. None of the officers were criminally charged. Internal police disciplinary action resulted in one fine, one dismissal from the police force, and one case dismissal.

Arrest and Detention.—Police must obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there is probable cause, or when the presence of a firearm is suspected. Customs officers may search a premise with a writ of assistance issued by the Office of the Comptroller of Customs. The law re-

quires police to inform a detainee (in writing) of the cause of detention within 48 hours of arrest and to bring the person before a magistrate to be charged within a reasonable time (normally 24 hours). In practice arresting police informed detainees immediately of the charges against them.

The law requires police to follow the "Judges' Rules," a code of conduct governing police interaction with arrested persons. Although cases sometimes were dismissed when the Judges' Rules were violated, more commonly a confession obtained through violation of these rules was deemed invalid. Detainees usually were granted timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or a telephone call after arrest. Bail was available for all cases except killings and generally was granted. In cases involving narcotics, the law does not permit police to grant bail, but a magistrate's court may do so after a full hearing.

Detainees sometimes could not afford bail, and backlogs in the docket often caused considerable delays and postponement of hearings; the result was prison overcrowding and occasionally prolonged pretrial detention. Approximately 217 persons or 16 percent of the prison population was in pretrial detention.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence. The constitution is the supreme law of the land and persons have the right to bring legal actions for alleged violations of rights protected under the constitution, regardless of whether there is also implementing legislation.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends the following rights to persons accused of civil or criminal offenses: presumption of innocence, protection against self-incrimination, defense by counsel only in capital cases, a public trial, and appeal. Defendants have the right to be present at their trial unless the court determines that the opposing party has a substantiated fear for safety, and in those cases, the court can grant interim provisions that both parties be addressed individually during a five-day period.

The Government provided legal counsel for indigent defendants only in capital murder cases. Most defendants could not afford an attorney, and there was a higher rate of conviction of defendants without legal representation. Many defendants remained unrepresented. A severe lack of trained personnel constrained the judicial system, and very junior counsels or police officers often acted as prosecutors in the magistrates' courts.

Lengthy trial backlogs remained during the year. The DPP cited staffing constraints as the main reason for the backlog. Routine cases without a defense attorney were decided within three months, but cases involving a serious crime or in which a defense attorney was present took more than one year. The DPP has dismissed a large number of Supreme Court cases citing uncooperative witnesses and a lack of evidence. Judges were often slow to issue rulings, which in some instances took a year or longer.

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

Civil Judicial Procedures and Remedies.—Most civil suits are heard in the Supreme Court; however, the magistrates' courts have jurisdiction over civil cases involving sums of less than \$5,000 BLZ (\$2,500). In addition to civil cases, the Supreme Court has jurisdiction over cases involving human rights issues. The backlog of civil cases in the Supreme Court increased during the year due to an increase in the number of cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such practices, and government authorities generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The constitution, however, permits authorities to forbid any citizen to question the validity of financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside a rigidly prescribed procedure is subject to a fine of up to \$5,000 BLZ (\$2,500), imprisonment of up to three years, or both. There were no reports that this prohibition was used during the year.

The independent media were active and expressed a wide variety of viewpoints without restriction. All newspapers were subject to libel laws that were enforced during the year.

The Belize Broadcasting Authority regulated broadcasting and had the right to preview certain broadcasts, such as those with political content, and to delete any defamatory or libelous material from political broadcasts. This right was not exercised during the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure and high costs limited public access to the Internet. The International Telecommunication Union reported that in 2007 there were 11 Internet users per 100 inhabitants.

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

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. There were fewer than 10 members of the Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf.rpt.

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

The constitution prohibits forced internal or external exile of citizens, and there were no reports that the Government used it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The nongovernmental organization (NGO) Help For Progress, the UNHCR's implementing partner in the country, assisted with refugee and asylum cases. Individual cases were handled through the Immigration and Nationality Department.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Three incidents involving 38 shipwrecked Cubans were reported by the media and confirmed by the Government. The Cubans were reportedly en route to the U.S. and received assistance from the Belize National Coast Guard, the Belize National Police, the BDF, and the Immigration and Nationality Department. Their boats were repaired and they continued on their journey.

In August one family from Honduras and in September one family from Guatemala were granted employment and residence permits after stating they were fleeing their home countries after being threatened and targeted by gangs.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held by secret ballot and on the basis of universal suffrage for all citizens age 18 and older.

Elections and Political Participation.—On February 7, the UDP obtained a parliamentary majority in generally free and fair elections.

There were no women in the 31-seat House of Representatives. There were five women, among them the president, in the 12-member appointed Senate. Mestizo, Creole, Maya, Garifuna, Mennonite, and other minority and immigrant groups were represented in the National Assembly and at the highest levels of government.

Governmental Corruption and Transparency.—The law provides criminal penalties for official corruption; however, there have been no successful prosecutions for

official corruption. The World Bank's worldwide governance indicators reflected that corruption was a problem.

There were public indications of government corruption under the previous administration during the year. On December 4, the Government charged former prime minister Said Musa with a single count of theft in connection with the alleged misappropriation in 2007 of a \$10 million grant from Venezuela earmarked for housing. Musa allegedly directed the funds be paid to satisfy a government-guaranteed private hospital debt, allegedly without authorization. Musa was granted bail and his trial was scheduled to begin January 2009.

The Prevention of Corruption in Public Life Act requires public officials to submit annual financial statements, which are to be reviewed by the Integrity Commission.

The law provides for public access to documents of a ministry or prescribed authority upon written request, although it protects a number of categories, such as documents from the courts or those related to national security, defense, or foreign relations. The Government must supply to the Office of the Ombudsman a written reason for any denial of access, the name of the person making the decision, and information on the right to appeal.

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

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

The ombudsman, although appointed by the Government, acts as an independent check on governmental abuses. The position remained vacant through year's end.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the Government effectively enforced these prohibitions.

Women.—The law criminalizes rape, including spousal rape. The criminal code states that persons convicted of rape or marital rape shall be sentenced to not less than eight years' and up to life imprisonment. In practice, however, sentences were often much lighter. In a number of instances, the DPP dropped the charges if the accusing party did not testify at trial. Police and courts enforced statutory rape laws; however, in relation to the number of accusations, convictions were infrequent as the prosecution discontinued cases when complainants were unwilling to proceed or requested no further court action. Through year's end police reported 38 cases of rape and 23 arrests. Through year's end the Supreme Court recorded 12 cases of rape, resulting in no convictions, three acquittals, and nine nolle prosequi decisions.

The law prohibits domestic violence and contains penalties, including imprisonment for violations, depending on the crime. The law empowers the family court to issue protection orders against accused offenders. Domestic violence against women remained a significant problem. Through September the Ministry of Health reported 1,070 cases of domestic violence recorded by police and health authorities. Domestic violence was most prevalent in the Belize District, which includes Belize City. There were two women's shelters in the country with a total of 18 beds to offer short-term housing.

The law does not explicitly address adult prostitution, and the Government did not use law enforcement resources to combat prostitution. Loitering for the purposes of prostitution, operating a brothel, and soliciting sex are illegal.

The magistrates' courts deal with sexual harassment complaints. There are no criminal penalties for sexual harassment, and no sexual harassment cases were brought during the year.

Despite legal provisions for gender equality, the media continued to report that women faced social and economic discrimination. There were no legal impediments to women owning or managing land or other real property. Women participated in all spheres of national life but held relatively few top managerial positions. Although the law mandates equal pay for equal work, women tended to earn less than men. The median monthly income for a working woman was \$710 BLZ (\$355), compared with \$751 BLZ (\$374.50) for a man, based on the 2007 Belize Labor Force Survey.

The Women's Department under the Ministry of Human Development, Women and Children, and Civil Society is responsible for developing programs to improve the status of women. A number of officially registered women's groups also worked closely with various government ministries to promote social awareness programs.

Children.—The Government was committed to children's rights and children's welfare.

Education is compulsory for children between the ages of five and 14. After finishing primary education, children may enter a secondary school, a government-run apprenticeship program, or a vocational institution. Most students reached fifth grade.

Through September the Epidemiology Unit at the Ministry of Health recorded 37 cases of domestic violence and 19 cases of sexual abuse against children under 15. The police reported 98 cases of unlawful carnal knowledge through year's end. In many cases the Government was unable to prosecute individuals for unlawful carnal knowledge and unlawful carnal knowledge because the victims or their families were reluctant to press charges.

The law allows authorities to remove a child from an abusive home environment and requires parents to maintain and support children until the age of 18. The UN Children's Fund (UNICEF) expressed concern about the criminal justice system's response to cases, as many of the perpetrators were not prosecuted and many cases were withdrawn due to lack of evidence and poor-quality investigations.

The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society was the Government office devoted to children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the family court, conducted public education campaigns, investigated cases of trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

Trafficking in Persons.—The law prohibits trafficking in persons, which is punishable by fines of up to \$10,000 BLZ (\$5,000) and imprisonment of up to five years. There were reports that persons were trafficked within, to, and through the country, mainly from neighboring countries, for purposes of forced labor and commercial sexual exploitation.

There were no reliable estimates of the extent of trafficking. However, the Ministry of Foreign Affairs, working with the Ministry of Human Development, indicated 70 victims of trafficking in persons were identified through year's end. Sixty-five of the victims comprised one trafficking case. There were reports that women were trafficked to the country from neighboring countries such as Guatemala, Honduras, and El Salvador, primarily for prostitution and nude dancing. NGOs reported that persons in the commercial sex trade appeared to be in the country (and in their current occupation) by choice, usually at the suggestion of a friend or family member who was also engaged in commercial sex work. Victims generally lived in squalid conditions in the bars where they worked. Some bar owners reportedly confiscated victims' passports.

The Government's National Committee for Families and Children and UNICEF reported that underage girls from economically disadvantaged backgrounds often provided sexual favors to older men, "sugar daddies," in exchange for clothing, jewelry, school fees, or books, at the urging of their families.

There was evidence of persons trafficked for labor purposes. Two cases reported in the media involved Indian nationals mistreating shop employees and withholding passports of five employees. In August authorities charged a Chinese company contracted to build a hydrodam with five counts of withholding travel documents. The Immigration and Nationality Department provided temporary residence permits to allow several of the victims, who had been trafficked from Nepal, to stay in the country. The judge dismissed the court case based on procedural issues including presentation of evidence and sequencing of witnesses. The director of public prosecutions appealed the decision in October, and the appeal awaited further trial in the Supreme Court.

On January 11, a court dismissed on grounds of insufficient evidence all charges of trafficking against an Indian businessman arrested in 2006 on charges of withholding his employees' travel documents. Witnesses for the prosecution were uncooperative and failed to testify.

There were no successful prosecutions against traffickers during the year. Two 2007 cases involving trafficking or related offenses appeared before the magistrates' courts during the year. A police raid on a brothel in 2007 resulted in one charge of human trafficking for a Corozal bar owner after a 16-year-old Central American woman was found working as a prostitute. The case was dismissed in October when Department of Human Services staff interviewed the victim and found the woman worked willingly for the bar owner.

In February 2007 two police officers were charged with human trafficking after eight illegal immigrants were found in a van driven by one of the officers. A police disciplinary panel dismissed the officers in 2007, and a court dismissed their criminal case in June after the DPP determined the charges were incorrect; subsequent

prosecution for alien smuggling was barred by expiration of the statute of limitations.

The law provides for limited victims' assistance, although in practice government resources were insufficient to provide meaningful aid to victims. Noncitizen victims willing to assist in prosecuting traffickers are legally eligible for residency status.

The Government's Anti-Trafficking in Persons Committee, led by the Ministry of Human Development and including representatives of various other ministries, departments, and NGOs, is the lead entity in combating trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/t/tip.

Persons With Disabilities.—Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities. There were two schools—the Cayo Deaf Institute in Central Farm and the Stella Maris School for disabled children in Belize City—and four special education centers (located in Corozal, Punta Gorda, Orange Walk, and Dangriga) for children with disabilities.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs, such as the Parents Association for Children with Special Needs and the Belize Council for the Visually Impaired, provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system.

National/Racial/Ethnic Minorities.—Ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem, resulting in discrimination characterized largely by verbal mistreatment.

Indigenous People.—The country's pluralistic society comprised several ethnic minorities and indigenous Mayan groups. Among the country's indigenous population, the Mopan and Kekchi historically were characterized under the general term Maya, although self-proclaimed leaders more recently asserted that they should be identified as the Masenal ("common people"). The Maya Leaders' Alliance, which comprised the Toledo Maya Cultural Council, the Kekchi Council of Belize, the Toledo Alcaldes Association, and the Toledo Maya Women's Council, monitored development in the Toledo District with the goal of protecting Mayan land and culture. While there were legal disputes concerning land development, there were no reports of governmental violations of civil or political rights.

Other Societal Abuses and Discrimination.—There were incidents of discrimination based on sexual orientation, but determination of its extent was difficult to ascertain.

There was some societal discrimination against persons with HIV/AIDS, and the Government worked to combat it through the public education efforts of the National AIDS Commission under the Ministry of Human Development and through the Pan-American Social Marketing Organization.

Section 6. Worker Rights

a. The Right of Association.—By law and in practice, workers generally were free to establish and join trade unions. Eleven independent unions, whose members constituted approximately 7 percent of the labor force, represented a cross-section of workers, including most civil service employees. The Ministry of Labor recognizes a union after it has registered. The union must be certified by a tripartite body comprising three members each from an established trade union, the business community, and government, in order to represent workers. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law permits unions to strike and does not generally require notice before a strike. However, this right is not extended to public sector workers in areas designated as "essential services," which are broadly defined and include postal, sanitary, health, and other services, as well as services in which petroleum products are sold, and which must provide 21 days' notice to strike. The law also empowers the Government to refer a dispute to compulsory arbitration in order to prevent or terminate a strike.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and unions practiced it freely. Although employers and unions can set wages in free negotiations, more commonly employers simply established them. The labor commissioner or his representative has the authority to act as a mediator in deadlocked collective bargaining negotiations between labor and management, of-

fering nonbinding counsel to both sides. If either union or management chooses not to accept the commissioner's decision, both may request a legal hearing.

Unions may organize freely, but the law does not require employers to recognize a union as a bargaining agent if no union within that sector covers more than 50 percent of the workers.

The law prohibits antiunion discrimination but does not require reinstatement of employees fired for union organizing activities. In practice there was antiunion discrimination on the banana plantations and in the export processing zones (EPZs), where employer collectives and associations have not agreed to recognize unions. While an aggrieved employee can seek redress from the courts, effective redress for workers dismissed for union organizing was extremely difficult to obtain. Although workers are able to file complaints with the Labor Department, it was difficult for workers filing complaints to prove that a termination was due to union activity, and fines imposed on employers in cases of antiunion discrimination were too low to discourage employers from such practices.

There are no special laws or exemptions from the regular labor laws in the country's 63 EPZs. There were no unions in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (See Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under age 12 and the employment of children between the ages of 12 and 14 before the end of school hours on official school days. While the law does not expressly provide for a maximum number of weekly hours of work that can be performed by persons under 18 years of age, it generally limits work hours for all persons to 45 hours per week. The law expressly prohibits children from working overtime. The law permits children to work on family farms and in family-run businesses. The minimum age for employment involving hazardous machinery is 17 years. There were ambiguities in the legal definition of child labor in relation to light work, hazardous work, and artistic performance; the Ministry of Labor in consultation with UNICEF and other stakeholders worked to add more specificity to the regulations. Inspectors from the Departments of Labor and Education are responsible for enforcing these regulations, but there were no updated reports on whether child labor laws were well enforced during the year.

Child labor was a problem in family-related commercial activities. Children in rural areas worked on family plots and businesses after school, on weekends, and during vacations, and were involved in the citrus and banana industries as field workers. Children in urban areas shined shoes; sold food, crafts, and other small items; and worked in markets. Adolescent girls, some of whom were trafficked within the country and to and from neighboring countries, worked as domestic servants and in commercial sexual activities. Children were frequently observed selling fruit and baked goods along the country's northern and southern highways. Children also were observed crossing into the country from Guatemala on a daily basis to work as street vendors in the urban centers of the Cayo district. A 2003 International Labor Organization study estimated that 6 percent of children between the ages of five and 17 were working, with 69 percent engaged in hazardous work. There were no government-sponsored child labor prevention programs.

e. Acceptable Conditions of Work.—The national minimum wage varies according to the type of work in which the employee is engaged. The minimum wages for various sectors were established based on a survey of various domestic businesses, resulting in an average that was reviewed and approved by the cabinet. The survey was conducted in 2006 by the wages council which consists of representatives of government, employers, and unions. For those in agriculture and agroindustry, the hourly minimum wage was \$2.50 BLZ (\$1.25); for manual and domestic workers, it was \$3.00 BLZ (\$1.50). The minimum wage law did not cover workers paid on a piecework basis. The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice.

The law sets the workweek at no more than six days or 45 hours and requires premium payment for overtime work. The exploitation of undocumented Central American workers, particularly young service workers and agricultural workers, continued to be a problem.

Several different health and safety regulations covered numerous industries, and the Ministry of Labor enforced these regulations to varying degrees due to limited resources. The Government committed its limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints were registered. Workers have the legal right to leave a dan-

gerous workplace situation without jeopardy to continued employment and did so in practice.

BOLIVIA

Bolivia is a constitutional, multiparty democracy with a population of approximately 9.25 million. In 2005 in a free and fair process, citizens elected Evo Morales Ayma, leader of the Movement Towards Socialism (MAS) party, as president. Government efforts to bring a controversial new constitution to a national referendum, opposition demands for greater regional autonomy, and contesting demands for government funds led to a series of violent confrontations and large-scale road blockades. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in some areas. The most significant human rights problems were abuses by security forces; harsh prison conditions; arbitrary arrest and detention; attacks on the judiciary by the executive branch; threats to civil liberties, including legal rights and press freedom; use of excessive force and other abuses in internal conflicts; corruption and a lack of transparency in government; discrimination based on gender, ethnicity, and sexual orientation; trafficking in persons; child labor; forced or coerced labor; and brutal working conditions in the mining sector.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings, but an estimated 17 deaths occurred during politically related conflicts. An opposition sympathizer died of riot control gas inhalation during the May 4 autonomy referendum in Santa Cruz Department (state). On August 5, two miners died in a confrontation with police during a protest in the town of Caihuasi in Oruro Department. A violent confrontation involving progovernment campesinos (peasant farmers) and backers of the opposition-aligned Prefect (governor) Leopoldo Fernandez resulted in the deaths of 13 persons in Pando Department on September 11 and September 12, according to the prosecutor's office. On December 15, in breaking up a protest by several thousand people in the city of Patacamaya regarding government restrictions on importing used cars in a free-trade zone, police shot and killed one person. Approximately ten people were injured, including several police.

On August 5, police attempting to clear a week-long blockade on the road between Cochabamba and La Paz became involved in a conflict with up to 4,000 striking miners. The Government and labor union leaders each blamed the other for the deaths of two miners who were shot and killed. An investigation into the exact cause of the deaths was ongoing at year's end.

Deaths by lynching remained a problem. While there were no official statistics for lynching deaths, the Government's Special Force Against Crime (FELCC) registered 31 reported cases through September: seven cases in El Alto, five in La Paz, two in Potosi, nine in Cochabamba, one in Sucre, and seven in Santa Cruz. Local press reports in Cochabamba reported 15 lynchings. The Cochabamba ombudsman's office estimated at least 45 lynchings across the country.

In locations where lynching was common, some residents attempted to justify the practice by asserting that it was part of their tradition of "communitarian justice" and a pragmatic response to a lack of access to justice through the legal system, which was a problem. The Inter-American Commission on Human Rights (IACHR) in a June 2007 report noted that only 180 of the 327 municipalities had a judge, only 76 had a prosecutor, and only 11 had a public defender. According to a Freedom House 2008 report released during the year, a "lack of clarity" in codifying indigenous customary law "resulted in dozens of acts of 'communal justice,' including lynching, in violation of international human rights norms."

In a high profile case on November 17, a large crowd of Achacachi residents stoned and burned eleven suspected thieves, killing two and badly injuring the rest. According to local media, which published graphic pictures of the victims, police rescued the survivors after several hours of torture in a local soccer stadium. Residents refused to cooperate with an official investigation. In another case on December 4, a youth in Riberalta was beaten to death for stealing toilet paper.

In December the Supreme Court requested that Congress authorize an impeachment trial to remove immunities enjoyed by members of the Ministry of Government

implicated in the November 2007 alleged killings of Gonzalo Duran Carazani, Juan Carlos Serrudo, and Jose Luis Cardozo by security forces. The killings took place during protests about Sucre's status as the country's capital. Removal of immunity is necessary before the Supreme Court may proceed with prosecution. Congress had not yet made a decision in this matter by year's end.

There were no new developments in the military or civil investigations into the September 2007 death of Osmar Flores Torres in Arani, in which police denied using lethal weapons in responding to a demonstration. Military and civilian authorities conducted separate investigations. Prosecutors strongly asserted that the military was not fully cooperating in this case, while the Defense Ministry alleged the prosecutor's office did not follow procedure in requesting information. The case remained in an 18-month investigatory phase, with the trial not slated to begin until March or April 2009.

According to the prosecutor in the case, there were no developments in the April 2007 shooting of Herman Ruiz. Ruiz was part of a group of protesters who attempted to take over a natural gas plant.

There were no developments in the 2006 case in which security force members in Carrasco National Park killed coca growers Ramber Guzman Zambrana and Celestino Ricaldis. The case remained in the preliminary investigative phase, primarily due to a lack of prosecutorial action, although there were also criticisms of the military's cooperation.

There were no developments in the 2006 shooting death of off-duty police officer Santiago Orocondo Arevilla. Civilian authorities within the Ministry of Defense did not respond to the prosecutor's request for information.

Authorities closed the investigation into the 2006 death of naval officer Wilder Rene Blanco Mendoza without bringing charges, despite allegations of corruption in the investigation and undocumented threats to the prosecutor and Blanco's family.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no confirmed reports that government officials employed them. There were a number of allegations of vigilante violence that resulted in extrajudicial abuses against persons, including specific reports of beatings and abuse by members of security forces.

The ombudsman reported that of all government institutions police were the most frequent human rights violators. The ombudsman's office received 1,183 complaints regarding the police. According to the ombudsman, although the number of complaints rose, the overall number was still "relatively low" given the "constant turmoil" in the country.

On February 26, supporters of the ruling MAS party attacked Juan Choque Apaza, an indigenous activist protesting against the Government. When a large crowd of MAS supporters surrounded Congress, Choque attempted to collect signatures for a petition against President Morales. In response, the crowd beat him until he was unconscious. On March 4, according to an interview with Choque, Minister of the Government Alfredo Rada told him to stop a hunger strike or be beaten again by government supporters. Choque alleged that he continued his strike and soon thereafter, more MAS supporters found and beat him. MAS supporters beat him for conducting an antigovernment hunger strike. Choque further alleged he was attacked by government supporters in other incidents in eight of the country's nine departments, including an attack on June 13 in Santa Cruz by uniformed police officers who stole his book of petition signatures. He said complaints to the local ombudsman's office were ignored. Ombudsman representatives said they attempted to investigate Choque's claims but found them incoherent and lacking in evidence. A representative said they wrote a letter to the Ministry of Government supporting his right to go on a hunger strike.

On December 29, immediately after meeting with President Morales in La Paz, members of the militant progovernment social group Ponchos Rojos verbally assaulted Choque, took his cell phone and petition book, and threatened to attack him before police escorted Choque away. The next day municipal police forced Choque to stop collecting signatures, stating he did not have a permit to establish a petition center.

During his detention Roberto Lenin Sandoval Lopez complained that government security forces beat and threatened him while he was in detention (*See* Section 1.d).

Prison and Detention Center Conditions.—Prison conditions were harsh. Prisons were overcrowded and in poor condition. There were 7,778 inmates (6,831 men and 947 women) in facilities designed to hold 4,700 prisoners. Government authorities effectively controlled only the outer security perimeter of each prison. Inside prison

walls prisoners usually maintained control, and gangs directed criminal activity from their cells.

Violence among prisoners, and in some cases the involvement of prison officials in violence against prisoners, were problems.

Regarding the November 2007 prison escape in Sucre, in which more than 100 prisoners escaped, approximately 30 percent returned to prison. The Chuquisaca prosecutor and police continued to investigate the remaining cases and try to find the remaining escapees, but progress was slow.

Corruption was a problem among low-ranking and poorly paid guards and prison wardens. The number of persons held in detention centers remained a problem, due to a general increase in crime. A prisoner's wealth often determined cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Inmates reportedly paid fees to prior cell occupants or to prisoners who controlled cellblocks. Although the law permits children up to six years old to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. Approximately 1,400 children lived with a parent in prison, as an alternative to being left homeless. During school vacations the number of children in prison with parents could double. According to the municipal government, approximately 300 children and 100 women lived in La Paz's San Pedro Prison as dependents of male prisoners.

The standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food.

The law provides that prisoners have access to medical care, but care was inadequate, and it was difficult for prisoners to get permission for outside medical treatment. Nongovernmental organizations (NGOs) and prisoners reported cases of tuberculosis and HIV/AIDS in the jails. However, affluent prisoners could obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Inmates who could pay had access to drugs and alcohol, and sometimes they used children to traffic drugs inside the prisons.

There were separate prisons for women, except for Morros Blancos Prison in Tarija, where men and women shared facilities. Conditions for female inmates were similar to those for men; however, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

According to Ministry of Government officials, 710 convicted juveniles (16 to 21 years old) were not segregated from adult prisoners in jails, and adult inmates sometimes abused them. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. Pretrial detainees were held with convicted prisoners.

The Government generally permitted prison visits by independent human rights observers, judges, and media representatives, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, there were several cases of security forces seizing and holding individuals under legally dubious circumstances.

According to press reports, on June 2, six members of a police team forced Chuquisaca opposition youth leader Roberto Lenin Sandoval Lopez into a car and took him to a prison facility in El Alto, near La Paz. Sandoval, his wife, and his daughter were injured during Sandoval's arrest. According to the human rights ombudsman, the arrest violated the constitution and was done without a court order. While the minister of government justified the action by stating Sandoval was to be charged for terrorism, sedition, and attempted murder, opposition members claimed the arrest was meant to intimidate them against running a candidate for governor of Chuquisaca Department. Police interrogated Sandoval, reportedly threatened his life, and reportedly forced him into a false confession before a judge released him on June 3 for lack of evidence.

In a separate case, between mid-September and December, government security forces confined Pando Prefect Fernandez and 36 others for their alleged roles in violence in and around the town of Porvenir in Pando Department on September 11, and for violating the subsequent state of siege. The ombudsman reported that in making arrests the police violated the constitutional rights of at least 14 people by failing to show a court order authorizing the arrests, by arriving at extraordinary hours not permitted by law, by failing to allow access to a judge within 48 hours, by forbidding outside contact during their confinement, by using in some cases cruel treatment or torture during and after their arrests, and by using excessive force against the families of those being arrested.

Two other Pando prefect employees were arrested on corruption charges and similarly flown to La Paz for incarceration pending trial, in violation of legal procedure and, according to some in the opposition, as part of a larger post-September 11 roundup of Fernandez's allies.

The prosecutor's office reported that nine Morales supporters, largely peasant farmers, were killed while marching that day to Pando's capital, Cobija. President Morales stated that Fernandez was responsible for an ambush of the marchers and their deaths and would be confined indefinitely in La Paz pending trial.

The Government transported all 39 Pando detainees to La Paz to await formal charges. The Supreme Court ruled that the Government's arrest of Fernandez was illegal on both jurisdictional and procedural grounds, and it set two deadlines for his transfer from the La Paz jail to a different jurisdiction. The Government ignored both court orders, and on November 5 initiated a congressional investigation of two Supreme Court justices and Attorney General Mario Uribe for aiding a fugitive.

The Government lifted the state of siege on November 23. On November 28, a local judge accepted the Government's case, including charges of murder and terrorism against Fernandez and 20 others. The court also accepted the corruption charges against the two other Pando employees. The court released 16 detainees.

The Union of South American Nations and the human rights ombudsman released reports regarding the Pando events that generally supported the Government's characterization of a "massacre" perpetrated by opposition-aligned prefect and civic committee officials. The ombudsman's report urged more investigation into the context and background of the events and criticized the Government for violating legal procedures in its arrests and detentions of suspects. The ombudsman criticized the Government for keeping suspects in prolonged detention without access to their families or lawyers, or his own offices. The UN was investigating the Pando events at year's end.

In a separate case, government authorities also detained and sent Porvenir's ranking police official, Mirtha Sosa Chalar, to La Paz for questioning regarding the events in Pando. Sosa stated in interviews that she was beaten and threatened with sexual assault by security forces but not charged with any crime, and then was released.

On October 13, members of the police and navy forcibly arrested Riberalta media personality Jorge Melgar Quete for disseminating an August 7 speech of Presidency Minister Juan Quintana calling for the "political" burial of Pando Prefect Fernandez. The Government maintained it was a lawful arrest, but Melgar's son stated in interviews that at no time was any legal document presented or discussed. The Government took Melgar to La Paz, where he was detained. In a court hearing the judge ruled the case should be tried in Riberalta, not La Paz, and placed Melgar back in a La Paz jail until he could be transported to Riberalta, where he remained at year's end. Melgar's attorney claimed the Government did not have the court's permission to arrest Melgar outside of daylight hours, which requires a specific type of warrant, and that the arrest happened without the presence of the prosecutor's office, which also is required.

On September 10, the Government arrested Tarija Prefecture Civic Committee leader Reynaldo Bayard for allegedly participating in destruction of gas lines. The opposition rejected the Government's charges as an attempt to silence opponents without proof of the charges. Bayard remained under arrest.

Role of the Police and Security Apparatus.—The national police have primary responsibility for internal security, but military forces may be called upon for help in critical situations, which occurred during the year. The national police disciplined officers by issuing 1,446 administrative sanctions through December 1. Prosecutors were sometimes reluctant to prosecute security officials for alleged offenses committed while on duty, in part because they relied on the Judicial Technical Police to investigate its own officers.

Arrest and Detention.—Arrests generally were carried out openly, but there were credible reports of arbitrary arrests and detentions. Some family members of suspects arrested during Pando's state of siege complained that police and prefect authorities denied arrests were made, leading families to suspect extralegal measures had been taken until days later, when the Government announced the arrests.

The law requires an arrest warrant, and the police must inform the prosecutor of an arrest within eight hours. The law requires that a detainee see a judge within 24 hours (except under a declared state of siege, in which a detainee may be held for 48 hours), during which time the judge must determine the appropriateness of continued pretrial detention or release on bail and must order the detainee's release if the prosecutor fails to show sufficient grounds for arrest. Credible reports indicated that in some cases detainees were held for more than 24 hours without court approval.

More than 70 percent of detainees awaited sentencing, but the courts provided release on bail for some detainees. Judges have the authority to order preventive de-

tention for suspects deemed a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements.

Detainees generally had prompt access to their families and were allowed access to lawyers, but approximately 70 percent could not afford legal counsel, and public defenders were scarce and overburdened.

During the year the Government provided 170 police officers in-depth human rights training, and provided 850 cadets and other police officials instruction in legal procedure that featured human rights instruction as well.

Denial of justice through prolonged detention remained a problem. Although the law establishes that a case's investigatory phase cannot exceed a maximum of 18 months and that the trial phase cannot exceed three years, some suspects were held in preventive detention longer than the legal limits. If the investigatory process is not completed in 18 months, the detainee may request release by a judge; however, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures kept some persons jailed for more than 18 months before trial.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses, or for their protection, on the orders of a social worker. There is no judicial review of such orders.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but the judiciary was widely considered corrupt and weakened by government interference. The courts have not recovered from government attempts since 2007 to pressure the judiciary, remove several of its members, and undermine its independence. A 2007 Transparency International survey reported that more than 80 percent of those surveyed considered the judicial system corrupt.

There are three levels of courts within the judicial system: trial courts, superior courts, and the Supreme Court. Superior court review is restricted to a review of the application of the law. The Supreme Court may hear appeals in general, but review is restricted to cases involving exceptional circumstances.

The Constitutional Tribunal is an independent institution and has original and appellate jurisdiction on constitutional matters. The tribunal is the country's highest authority on constitutional matters and is separate from the Supreme Court, which is the highest authority on all other legal matters.

The Constitutional Tribunal normally functions with five regular members and five alternates, but violent protests by government supporters in 2007, a 50 percent pay cut, a 2007 attempt by the legislature to impeach four members, and health concerns left the tribunal with only one member. Unable to raise a quorum of three, the tribunal functioned only sporadically, had a three-year backlog of cases, and was unable to issue effective rulings on either the series of autonomy referenda held by four prefectures in May and June or the national recall referendum held on August 10. On July 21, the tribunal attempted to suspend the national recall referendum on constitutional grounds, but ultimately the National Electoral Court (CNE) ignored this challenge. Opposition groups suggested that the executive branch failed to nominate new tribunal members to avoid critical rulings on its potentially illegal or extralegal actions.

The CNE is the final authority on all matters relating to elections and has faced challenges. It operated with only three members or fewer out of five and was attacked for being partial to the Government and for having purged professional staff. However, the court issued a number of opinions that signaled its independence, including its rejection of a planned December national referendum on the proposed constitution. On December 16, after the third CNE member's term expired, leaving the CNE without a quorum, the Government proposed to extend his term instead of going through the required legislative process to appoint a new CNE member. The opposition-controlled Senate narrowly defeated this effort, and on December 20 the full Congress appointed a new CNE member.

In a July 29 speech in Cochabamba, President Morales noted he had taken illegal steps to apply his reforms and only later asked his lawyers to legalize such actions.

On December 3, representatives of the judiciary publicly criticized the Morales administration for attempting to destroy the Government's judicial branch. The representatives denounced the Government's illegal detention of former Pando prefect Fernandez and called the proposed draft constitution authoritarian and antidemocratic. A formal statement was signed by Supreme Court justices, the chairman of the Judicial Council, the president and members of the National Agrarian Court, the chairmen and members of the district courts, and the president and members of the Association of Magistrates of Bolivia. The Morales administration responded that the judicial branch was corrupt, and the deputy minister of justice rec-

ommended that all signatories resign immediately if the proposed constitution were approved.

Trial Procedures.—The law provides for the right to a fair trial for all citizens, but fair trials did not always occur. Defendants have constitutional rights to a presumption of innocence, to a speedy and public trial by jury, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, to an appeal, and to confront legal charges with government prosecutors before a formal court process is initiated. In practice the rights to an attorney and to a speedy trial were not protected systematically, although the Criminal Procedures Code facilitated more efficient investigations, transparent oral trials, and credible verdicts. In 2007 Freedom House reported there were only 56 public defenders, or 0.8 defenders for each 100,000 citizens, available in only 11 of 327 municipalities.

The law provides for a system of transparent oral trials in criminal cases, requires that no pretrial detention exceed 18 months without charges, provides for a maximum period of detention of 24 months in cases in which a sentence is being appealed, and mandates a three-year maximum duration for a trial. The law provides that the prosecutor is in charge of the investigative stage of a case and must give suspects an opportunity to confront charges before a trial formally begins.

The prosecutor instructs police regarding witness statements and evidence necessary to prosecute. The prosecutor pursues misdemeanor cases (with possible sentences of less than four years) before a judge of instruction and felony cases (with possible sentences of more than four years) before sentencing courts, both of which feature a five-member panel that includes three citizens and two judges.

The law also recognizes the conflict resolution (community justice) traditions of indigenous communities, provided that the resolution does not conflict with the rights and provisions established under the constitution.

The military justice system generally was susceptible to senior-level influence and tended to avoid rulings that would embarrass the military. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report. The results are forwarded to a judicial advisor, usually at the division level, who then recommends a finding of innocence or guilt. For major infractions the case is forwarded to a military court, except that military personnel are supposed to be tried in civilian courts for human rights violations.

Political Prisoners and Detainees.—There were allegations of political prisoners or detainees, including detentions resulting from the September 11 conflict in Pando Department (See Section 1.d.).

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The law provides for criminal remedies for human rights violations, and at the conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. Administratively, the ombudsman for human rights can issue resolutions on specific human rights cases, which the Government may enforce.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. Although the Government generally respected these rights, it maintained an antagonistic relationship with the press. Several NGOs charged President Morales and government officials with making disparaging statements regarding the press, condoning violence against journalists and media outlets, politicizing state-produced media content, and promulgating laws designed to restrict independent media. The media claimed the Government also illegally restricted journalists' access to the detained persons from Pando and their relatives following the September 11 conflict.

The number of media outlets, including printed press, television, and radio, was extensive, and airing of various viewpoints, many expressing opposition to the Government, continued. Radio and television stations generally operated freely. However, there were many reports that journalists attempting to film or report events, particularly those involving social movements, were threatened or injured by private individuals or nongovernmental groups. Progovernment groups generally attacked private media outlets and their reporters, while antigovernment groups focused their attacks on government-controlled media. The National Press Association registered 245 cases of aggression against reporters and other media workers during the twelve months preceding October.

In a March 30 report, the Inter-American Press Association (IAPA) asserted that freedoms of press and expression were “severely threatened.” IAPA noted that President Morales called the press his “main enemy” and accused media outlets of lying, conspiring with national oligarchies, and “being sold” to hostile foreign governments. The IAPA report cited a letter from the Superintendent of Telecommunications, which warned of fines or bans from broadcasting for any media outlet caught transmitting propaganda or information that “although true, may harm or frighten the population.” The report charged that the Government had warned independent community radio stations that their licenses would be renewed only if they transmitted the news channel of the state, Radio Patria Nueva.

Several NGOs expressed concern about the transformation of the state media channel into a “proselytizing force” for the Morales administration. In its Press Freedom Index, the NGO Reporters Without Borders (RSF) reported a ‘dramatic’ deterioration in press freedom in the country, specifically citing the continued politicization of the media. On July 23, RSF released a letter noting its strong concern regarding the Government’s appointment of five ministers to head the National Corporation for Bolivian Television for its potential to transform state media into a solely pro-government medium. On October 7, the IAPA criticized the Government for increasingly frequent verbal attacks against independent media and cited government efforts to transform state-run media into a proselytizing force.

Critics of the Government claimed that the Morales administration used its large advertising budget to control private media outlets and impose self-censorship on media content. They also asserted that the Government arbitrarily conducted financial audits of journalists and media owners.

Immediately after the September 11 conflict in Pando, members of the private media complained that the Government flew a group of journalists to Pando the night of September 13, but only reporters from the Government’s news service and a sympathetic private radio reporter were allowed to stay. The Government allegedly returned the others to La Paz the same night on grounds that the Government could not guarantee their security.

At a rally in Cochabamba on August 23, President Morales called the press “dirty,” accused them of selling their services to corrupt opposition officials, and in a speech four days later, referred to media owners as “liars.”

Violence against journalists continued. Several NGOs not formally sponsored by government or opposition groups charged the Government with condoning or encouraging attacks and intimidation of opposition media. RSF documented at least 21 journalists who were beaten severely, kidnapped, or in one case, almost lynched. The group also recorded eight instances in which television or radio stations were bombed, set on fire, or otherwise attacked. One journalist, Carlos Quispe Quispe, was killed in an attack by government supporters in La Paz Department on March 29. Most attacks on journalists were politically motivated; they were carried out by both government and opposition supporters. In one case, Army Lieutenant Jorge Nava was arrested in connection with the June 21 bombing of the Unitel television station in Tarija. The opposition charged the Government with involvement in the bombing, contending that the lieutenant was assigned to the presidential palace and was using cash, explosives, and weapons provided by the Government. The opposition also alleged Venezuelan influence, citing a car-rental contract arranged by the Venezuelan Embassy for the vehicle used in the attack. On November 7, Nava was released on bail pending further investigation.

The Government issued an arrest warrant in June for Adolfo Cerrudo for attacks on private media journalists generally, a specific threat of rape against a journalist from leading daily *La Razon*, and a death threat toward another journalist. Several private media outlets had complained to authorities that Cerrudo had been attacking journalists as early as January. Authorities placed Cerrudo under house arrest and ordered him to stay away from reporters and media outlets and to check in periodically with police. In violation of the order restricting him from contact with the media, Cerrudo attacked journalists on October 29 outside of San Pedro prison, and the police did not intervene. The Government did order house arrest for Cerrudo again in mid-November; however, police appeared unable to locate him. The opposition characterized Cerrudo as receiving favorable treatment from authorities due to ties with the ruling MAS party and senior government officials. The MAS denied links with Cerrudo, although he was linked with the radical pro-Morales Popular Civic Committee of La Paz.

On December 1, a bomb exploded at the door of newspaper *El Potosi*, twisting the metal door off its hinges. No one claimed responsibility for the attack, and the Government began an investigation that was pending at year’s end.

At a public event on December 10, President Morales asked a journalist to approach the podium, produce proof for a recently written story implicating Morales

in a contraband case, called the journalist a liar, and told him to leave. A cross-section of mainstream media condemned the president's actions as intimidating, an abuse of power, and an attack on freedom of the press. The next day President Morales stated that 90 percent of journalists "had no dignity" and said he "did not need the media to report" about his administration. He subsequently restricted some press conferences to government media and foreign press only.

On December 18, unknown actors exploded dynamite at a radio station owned by MAS dissident Senator Guido Guardia. Guardia accused the ministers of the presidency and of government of arranging the attack. A similar explosion occurred at Guardia's apartment in La Paz in October 2007. Police were investigating both cases, although according to Guardia they waited two months to take his testimony regarding the first attack. Government officials did not comment on the attack or on accusations by MAS Congressman Gustavo Torrico, who accused Guardia of orchestrating the attacks himself for political benefit.

At year's end the Government was investigating 10 cases of attacks on the media, with one suspect in custody.

The law provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from one month to two years. Insults directed against the president, vice president, or a minister increase the sentence by half. Journalists accused of violating the constitution or citizens' rights are referred to the 40-person Press Tribunal, an independent body authorized to evaluate journalists' practices, although cases rarely came before the tribunal.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that in 2007 there were 198,000 Internet subscribers and 2 Internet users per 100 inhabitants.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of peaceful assembly, and the authorities generally respected this right in practice. While the law requires a permit for most demonstrations, security forces rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blockading major thoroughfares and highways. Enforcement of permit requirements at times appeared politically motivated. For example, police permitted progovernment protesters to surround and blockade Congress in late February, and did not intervene when the crowd assaulted opposition legislators and at least one counter-protester, but in March police used tear gas to force a small, peaceful animal rights group, *Animales SOS*, that had been protesting in the same plaza, to disband. *Animales SOS* had been protesting the actions of militant progovernment social group *Ponchos Rojos*, which publicly decapitated two dogs as a warning to opposition leaders.

While most demonstrations were peaceful, occasionally demonstrators carried weapons, including clubs, machetes, firearms, and dynamite. Security forces frequently (police and on occasion the military) were called upon to break up protest groups carrying weapons or threatening government and private facilities (mainly natural gas supply lines and federal offices).

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism was predominant, and the constitution recognizes it as the official religion. However, some government officials criticized the Catholic Church as being too political and threatened to revoke part or all of its tax-exempt status. In early November President Morales called the Catholic Church an "instrument of domination that brings injustice and inequality."

On November 30, church leader Cardinal Terrazas publicly discussed his concern that under new government policies the country could be overrun by narcotraffickers. On December 4, in what many news reports labeled a direct response, the Government proposed that the Catholic Church begin paying taxes for its "lucrative" activities. The Government also repeated demands that the cardinal and the Catholic Church should cease making political statements.

On October 23, in its annual report to the Vatican, NGO Helping the Church in Need stated the country was one of 60 countries where religious persecution occurred.

Non-Catholic religious organizations, including missionary groups, must register with the Office of the Director of Religion in the Ministry of Foreign Affairs to receive authorization for legal religious representation. There were hundreds of recognized religious groups on the registry. The ministry is not allowed to deny registration based on an organization's articles of faith, but the process can be time-consuming and expensive, leading some groups to forgo registration and operate informally without certain tax and customs benefits.

Societal Abuses and Discrimination.—There were no reports of societal abuse or discrimination, including anti-Semitic acts. There was a small Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, throughout the year both progovernment and opposition protesters prevented movement within the country by blockading major highways, as did trade and industry groups.

In July and August, opposition leaders several times barred President Morales from entering cities they controlled in the eastern part of the country, known as the media luna (half-moon). According to press reports, in August and September, as many as 35 politically motivated blockades occurred in the media luna, including the cordoning off of the borders with Brazil, Argentina, and Paraguay. In response, on September 8, CONALCAM (National Coordination for Change), a group politically aligned with President Morales, declared its intention to close all roads into and out of Santa Cruz. Nearly 20,000 rural workers, many armed, effectively blocked vehicular transportation for seven days, causing significant economic losses and shortages of water, gas, and basic foodstuffs.

Several hundred thousand citizens lacked basic identity documents, which prevented them from obtaining international travel documents and accessing other government services. The Government cooperated with the Pastoral de Movilidad Humana, which is the local representative of the UNHCR, and other humanitarian organizations in assisting refugees and asylum seekers.

The law prohibits the forced exile of citizens, and the Government did not employ the practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, a June 2007 IACHR report noted three problems in the refugee and asylum system: lack of due process; difficulties in obtaining identification documents; and inadequate protection against the return of refugees to countries where there was reason to believe they feared persecution. In February the Office of the UN High Commissioner for Refugees (UNHCR) reported that the number of persons requesting asylum increased by 200 percent in 2007.

In January the Government established a refugee department to record and process all cases. Although cases were being processed, there were several complaints that the length of time needed to receive recognition of refugee status, in some cases up to six or seven months, exceeded the one-month period stipulated in the law.

The UNHCR reported that the recognized refugee population in the country was more than 600 persons and steadily increasing. The Government completed processing and agreed to provide refugee protection in 30 pending cases, with 35 older cases still under review. There were 24 new applications during the year.

On October 17, the attorney general's office formally indicted former president Gonzalo Sanchez de Lozada and former defense minister Sanchez Berzain on criminal charges in connection with the deaths of up to 60 persons in October 2003. In November the Government submitted a request for Sanchez de Lozada's extradition from the country to which he fled.

In May the Supreme Court voted to refuse Peru's extradition request regarding the case of Walter Chavez, wanted in Peru on charges of being a terrorist leader in the 1980s with the Movimiento Revolucionario Tupac Amaru.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. However, many citizens of voting age lacked the identity

documents necessary to vote, although the electoral court reported 377,000 new voters since 2006. The Government also pursued a controversial identification card effort, with Venezuelan assistance, with the stated goal of improving citizens' access to identification documents. Opposition groups charged the registration process was partisan and designed to increase voter rolls primarily for MAS party supporters. Before the August 10 recall referendum, CNE President Jose Luis Exeni stated he believed the voter rolls were "98 percent trustworthy." After the referendum district electoral courts, press articles, and opposition leaders called for an audit of the voter rolls to investigate allegations of irregularities. The Organization of American States voiced concerns about voter fraud, stating it had observed voting irregularities at 5 percent of the sites and the absence of secret balloting at 9 percent of the sites, but confirmed the results of the referendum.

A broad spectrum of political parties and citizens' groups functioned openly. Elections for national offices and municipal governments are scheduled every five years.

Elections and Political Participation.—In May and June, Santa Cruz, Pando, Beni, and Tarija Departments held autonomy referenda, which the Federal Government refused to recognize and the international community declined to monitor. All four referenda passed easily but were marked by high abstention rates. In an August 10 nationwide recall referendum encompassing the offices of the president, vice president, and eight of nine prefects, President Morales and four of six opposition-aligned prefects retained their positions, most with large majorities of the vote.

In late February MAS party supporters surrounded the Congress to prevent entry by the opposition and dissident MAS congressmen seeking to vote on contentious legislation. The action disenfranchised more than a third of the congressional representatives and the citizens they represented. On October 20, President Morales led tens of thousands of progovernment supporters in a march to surround the legislative building. The marchers threatened to trap members of Congress inside the building indefinitely until they approved significant changes to the proposed new constitution. Members of Congress avoided the blockade and threats to expel opposition members from the building by reaching an agreement to make more than 100 changes to the draft text. While some opposition leaders publicly praised the changes as an improvement, others called the process illegal and stated the changes were made under duress. Many leaders from across the political spectrum stated the only legal way to make amendments was through the Constituent Assembly process.

Women held only 24 percent of public offices despite a law that requires every third candidate appearing on a political party's slate to be female. Female politicians reported that political parties frequently adhered to the quota in submitting their candidate lists but subsequently pressured women to withdraw their candidacy prior to the election.

Every second candidate on municipal election ballots must be a woman, a requirement that increased female representation to approximately 30 percent of municipal council positions. There were 23 women among Congress's 157 deputies and senators and three female ministers in the 18-member cabinet. The number of indigenous members of Congress was estimated at 17 percent. President Morales considered himself indigenous. One of the nine departmental prefects, Sabina Cuellar, was an indigenous woman.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a serious problem. The government-prepared National Corruption Index reported in 2007 that 13 of every 100 public service transactions involved the payment of a bribe, costing the country approximately 905 million bolivianos (\$130 million) annually. The index noted that corruption disproportionately affected lower-income persons and it rated the national police, customs, and justice system the most corrupt government institutions. According to Transparency International's International Corruption Perceptions Index released during the year, the country received a score of three on a scale of one to ten, indicating "rampant corruption."

On December 4, former chief of customs Cesar Lopez accused Presidency Minister Quintana and Pando interim Prefect Rafael Bandeira of illegally permitting 33 trucks containing contraband merchandise to cross the border into Brazil. Quintana first denied his involvement, then admitted to meeting with the owners of the merchandise, but only to seek a solution to problems related to customs controls at the border. Quintana also announced charges would be brought against Lopez for his statements and for alleged corruption. A congressional investigation was ongoing at year's end.

Cases involving allegations of corruption against public officials require congressional approval before prosecutors can initiate legal proceedings.

A patchwork of laws requires public officials to report potential personal and financial conflicts of interest.

There was no information available on laws providing access to government information or on whether the Government provided such access in practice.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, NGOs and the human rights ombudsman complained that government security forces and ministries occasionally refused to cooperate with their investigations.

The human rights ombudsman is a position with a five-year term established in the constitution. Congress chooses the ombudsman via a required two-thirds majority vote. The ombudsman is charged with providing oversight of the defense and promotion of human rights, specifically to defend citizens against government abuses. The ombudsman operated without party influence and with adequate resources from the Government and foreign NGOs. On December 18, the ombudsman ended his term. A new ombudsman was expected to assume office in 2009. The ombudsman issues annual reports, and the Government usually accepts his recommendations. After the conflict in Pando in September, the Government limited access to detainees, which the ombudsman denounced.

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

Although the law prohibits discrimination based on race, gender, language, sexual orientation, or social status, there was significant discrimination against women, indigenous people, and the small black minority. Persons with HIV/AIDS, indigenous people, peasant farmers, and homosexuals, in this order, experienced the most discrimination.

Women.—Rape was a serious and underreported problem. The law defines two types of criminal cases. In private criminal matters, the victim brings the case against the defendant; in public criminal matters, a state prosecutor files criminal charges. The Code of Criminal Procedures makes rape a public crime. The law criminalizes statutory rape, with prison terms of 15 to 20 years for the rape of a child under the age of 14. In cases involving consensual sex with an adolescent 14 to 18 years of age, the penalty is two to six years' imprisonment. Forcible rape of an adult is punishable by sentences ranging from four to 10 years' imprisonment. Sexual crimes against minors automatically are considered public crimes. Spousal rape is not a crime.

Violence against women was also a pervasive and underreported problem. According to the NGO Center for the Information and Development of Women (CIDEM), 70 percent of women suffered some form of abuse. CIDEM noted that the statistics "did not reflect the full magnitude of the problem of violence against women" and that "a great number of women" did not report the aggression they faced on a daily basis.

Family laws prohibiting mental, physical, and sexual violence provide for fines or up to four days in jail, unless the case becomes a public crime subject to the penal code; however, these laws were enforced irregularly. The Government took few meaningful or concrete steps to combat domestic violence. From January through November, the police Family Protection Brigade handled 3,592 cases, compared with approximately 8,954 in 2006. However, the police brigade lacked financial support, structural support, and personnel to follow up and pursue all reported cases. Most cases of domestic violence went unreported.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor.

The law considers sexual harassment a civil crime. There were no statistics on the incidence of sexual harassment, but it generally was acknowledged to be widespread.

Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services to women of reproductive age and to children under age five.

Women were entitled to the same legal rights as men; however, many women were unaware of their legal rights. Women generally did not enjoy a social status equal to that of men. Traditional prejudices and social conditions remained obstacles to advancement. In rural areas traditional practices restricting land inheritance for

women remained a problem. The minimum wage law treats men and women equally; however, women generally earned less than men for equal work. Women sometimes complained that employers were reluctant to hire them because of the additional costs (mainly maternal) in a woman's benefits package. The gender gap in hiring appeared widest in the higher education brackets. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and microbusiness, whereas in rural areas the majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the informal economy.

Leading women's rights groups included the Campesinas de Bolivia Bartolina Sisa, CIDEM, and Coordinadora de Mujer, a national NGO network. International groups with presence in the country included Red Latinoamericana de Mujeres Transformando la Economía, Red Mujeres y Economía Bolivia, AMUPEI, and CLADEM. Relevant institutional groups included Union de Mujeres Parlamentarias, Asociación de Concejalas de Bolivia, and the Foro Político de Mujeres. Unions included the Asociación de Mujeres Periodistas, Asociación de Juezas, and Magistradas de Bolivia.

Children.—The Government's commitment to children's rights and welfare was insufficient to improve conditions appreciably.

Corporal punishment and verbal abuse were common in schools. Children from 11 to 16 years of age may be detained indefinitely in children's centers for suspected offenses or for their own protection on the orders of a social worker. The UN Children's Fund (UNICEF) estimated that approximately 9,200 children lived in institutions where their basic rights were not respected. There also were many children living on the streets of major cities. UNICEF estimated that more than 3,700 children and adolescents lived on the streets in the cities of La Paz, El Alto, Santa Cruz, Cochabamba, Tarija, and Sucre.

Child prostitution was a problem, particularly in urban areas and in the Chapare region. There were reports of children trafficked for forced labor to neighboring countries. According to Pastoral de Movilidad Humana, the local representative of the UNHCR, each month between nine and 11 children in the southern part of the country disappeared and were presumed victims of trafficking. Several NGOs had active programs to combat child prostitution.

There were 260 Defender of Children and Adolescents offices to protect children's rights and interests nationwide. The Government's plan to combat child labor included a public information campaign against child prostitution and raids on brothels.

Trafficking in Persons.—The law prohibits trafficking in persons and specifically criminalizes trafficking in persons for the purpose of prostitution. However, there were credible reports that persons were trafficked to, from, or within the country.

The country was a source for men, women, and children trafficked for forced labor and sexual exploitation to Argentina, Chile, Brazil, Spain, and the United States. Faced with extreme poverty, many citizens became economic migrants, and some were victimized by traffickers as they moved from rural areas to cities and then abroad. Women and children, particularly from indigenous ethnic groups in the Altiplano region, were at greater risk of being trafficked. Children were trafficked within the country to work in prostitution, mines, domestic servitude, and agriculture, particularly on sugarcane and Brazil nut plantations. Weak controls along its extensive borders made the country an easy transit point for illegal migrants, some of whom may have been trafficked. Commercial sexual exploitation of children also remained a problem.

While there were reports that some adolescents were sold into forced labor, it appeared that most victims initially were willing economic migrants who later were trafficked by being duped or coerced into conditions of forced labor. The Bolivian Embassy in Buenos Aires stated that it received at least one claim per day of a Bolivian citizen, including children, being exploited in Argentina.

The law criminalizes trafficking and provides for a prison term of four years, which may be increased to 12 years when the victim is less than 14 years of age. The Government investigated approximately 192 cases of trafficking in persons; while there were some arrests, only a handful of cases received formal sentences and the majority of people arrested remained in detention.

The Ministry of Justice, via an interinstitutional committee, has responsibility for combating trafficking. The Ministry of Government, including the National Police and the Immigration Service, the Ministries of Foreign Affairs, Labor, and Sustainable Development, as well as prefectures and municipalities, has secondary responsibility. The human rights ombudsman nonetheless noted that the Government had

little presence at the borders to control trafficking, and that unauthorized entities and agents issued permission documents for minors to travel abroad.

Some government officials reportedly took bribes to facilitate smuggling and the illegal movement of persons; however, the Government did not condone or facilitate trafficking. In 2006 the Government opened an investigation of 18 public employees, including four members of Congress, suspected of involvement in human trafficking. However, the Government discouraged the investigation from reaching a conclusion and the case was moribund.

The municipal Defender of Children and Adolescents offices, sometimes in cooperation with NGOs, managed scattered assistance programs for victims. La Paz Department and the La Paz city government each operated a shelter for abused and exploited children.

The International Organization for Migration (IOM) and the NGOs Save the Children and Pro-Adolescent conducted public awareness campaigns on trafficking of children.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and identifies the rights and benefits afforded them. There was no official discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society. The Law on Disabilities requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille.

On July 25, Santa Cruz police used tear gas and physical force to disperse a group of persons with disabilities protesting at the entrance to the Palmasola oil refinery. Four protesters were hospitalized and a deaf-mute pregnant woman was sent into early labor. Some tried to escape the tear gas in wheelchairs, while police dragged others out of the gassed area. A government vice minister claimed police intervened after protesters used firecrackers in an "irresponsible manner in a dangerous area."

The National Committee for Handicapped Persons was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The human rights ombudsman has reported that approximately 70 percent of the population considered racism a problem. There was societal and systemic discrimination against the small black minority, which generally remained at the low end of the socioeconomic scale and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 35,000 Afro-Bolivians lived in the Yungas region of La Paz Department.

Indigenous People.—In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua and Aymara groups. The IACHR reported that 70 percent of these indigenous people lived in poverty or extreme poverty, with little access to education or to minimal services to support human health, such as clean drinking water and sanitation systems.

Indigenous lands are not demarcated fully, and land reform remained a central political issue. Historically, a majority of indigenous people shared lands collectively under the "ayllu" system, a system that was not legally recognized during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of indigenous lands have not been resolved. Indigenous people protested the Government's failure to provide them with title to all of their claimed territories; they also objected to outside exploitation of their resources. Indigenous peasants illegally occupied several private properties, often with the backing of the Landless Movement.

Indigenous groups used the Popular Participation Law to form municipalities that offered them greater opportunities for self-determination. Several political parties, citizens' groups, and NGOs actively promoted the rights of indigenous people, although progress was minimal. Indigenous people continued to be underrepresented in government and politics, and indigenous groups bore a disproportionate share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas. The Government tried to improve the situation with the delivery of pensions to the elderly and funding for youth to attend school.

Discrimination against indigenous groups was extensive. On May 24, large opposition gangs, encouraged by local civic leaders from Sucre, captured and humiliated

a progovernment group of approximately two dozen indigenous workers and leaders, who journeyed to Sucre to ensure President Morales could enter the city. A mob took the group prisoner, beat several of them, and forced many of the men to take off their shirts and march several miles to the central plaza, where they were forced to kneel and shout antigovernment slogans.

Other Societal Abuses and Discrimination.—According to a study by the Employment Bureau of La Paz Department, at least five people in the cities of La Paz, Cochabamba, and Santa Cruz were killed in 2007 due to their sexual orientation. According to the ombudsman's office the situation did not change significantly during the year. The study showed approximately 80 percent of homosexuals were discriminated against in the workforce, 70 percent in the educational system, and 60 percent in health centers.

The human rights ombudsman reported that persons with HIV/AIDS faced the most discrimination in the country.

Section 6. Worker Rights

a. The Right of Association.—While the law allows workers to form and join trade unions, in practice this right was limited due to inefficient labor courts and inadequate government regulation. Approximately 25 percent of workers in the formal economy, which employed an estimated 30 percent of all workers, belonged to unions.

Workers may form a union in any private company of 20 or more employees; however, the minimum requirement of 20 workers proved a heavy restriction, as an estimated 70 percent of enterprises had fewer than 20 employees.

Public-sector workers also have the right to form unions. The law requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat.

The central government had close ties with certain umbrella labor organizations such as the Central Workers Union of Bolivia (COB) and the Confederation of Farm Workers (CSUTCB). The Government exerted pressure on some of these organizations' national leadership and local chapters and funded parallel chapters in areas where the Government had less influence. As one example, after having disagreements with the leadership of the CSUTCB, the MAS funded a parallel organization in many departments. Although the COB officially recognized the first CSUTCB leadership, the MAS heavily funded the alternative group, and many media outlets ceased to refer to the first CSUTCB group or its leadership. The MAS-sponsored organization also took over CSUTCB office space in some cases, leading to clashes with the "original" CSUTCB.

The law provides most workers with the right to strike but requires unions to seek prior government mediation; the law requires the same of employers before they initiate a lockout.

Public service employees, including those in banks and public markets, are prohibited from striking; despite this, workers in the public sector (including teachers, transportation workers, and health care workers) frequently went on strike and were not penalized for such strike activities. Solidarity strikes are illegal, but the Government neither prosecuted nor imposed penalties in such cases.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively; however, collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, was limited. Most collective bargaining agreements were restricted to wages.

The law prohibits antiunion discrimination and requires reinstatement of employees illegally fired for engaging in union activity. The National Labor Court handles complaints of antiunion discrimination, but it can take a year or more to rule due to a significant backlog of cases. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders stated that problems often were moot by the time the court ruled.

There are no special laws or exemptions from regular labor laws in the seven special duty-free zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers continued, as did some alleged individual cases of household workers effectively held captive by their employers.

In June the IACHR reported that the indigenous Guarani continued to live "in a state of bondage analogous to slavery" in the Chaco region and that the problem had worsened since the commission's last visit in 2006. In many cases Guarani fam-

ilies worked land owned by landlords in exchange for housing and food but were not paid the minimum wage. As a result they incurred large debts to their landlords and were not permitted to leave the property without satisfying their debt. Many of these families lived in very poor conditions, without water, electricity, medical care, or schools. The IACHR recognized that involuntary servitude had ended at some large estates, but in some cases freedom from servitude meant expulsion without compensation. In some cases in the Alto Parapeti region, the Government bought land to give to Guarani who had been expelled from haciendas.

The International Labor Organization (ILO) estimated in 2005 that more than 7,000 Guarani lived in this situation. The IACHR reported the Guarani workers were subject to “punishments such as being lashed with whips or having their crops burned and their animals killed.”

However, the abusive treatment of the Chaco Guarani was not uniform, and the political opposition charged the Government with using abuses against some Guarani as a pretext to break up private ranches where no abuses were occurring. The issue divided the Guarani community, where some laborers sided with their employers against government action.

There were victims of forced labor, mostly indigenous, harvesting Brazil nuts in Beni Department. The work was seasonal, lasting approximately three months per year. During that time landlords sold basic foodstuffs to workers at inflated prices; workers subsequently incurred large debts and were not permitted to leave the property until the debts were satisfied. Similar conditions existed in the sugar industry in Santa Cruz Department.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a serious problem. The law prohibits all paid work by children under the age of 14; however, in practice the Ministry of Labor generally did not enforce child labor laws, including those pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. The law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for 12- to 14-year-olds under various formal but poorly enforced restrictions, which have been criticized by the ILO and were considered by some to be tantamount to bondage.

The Ministry of Labor is responsible for enforcing child labor provisions but did not enforce them throughout the country. According to UNICEF, 118,000 children between the ages of seven and 13 (or eight percent of that population) and 206,000 children between the ages of 14 and 17 (or 28 percent of that population) worked. Although the law prohibits persons under 18 years of age from work in the sugarcane fields, approximately 10,000 rural migrant children (7,000 of whom were under the age of 14) worked in this activity. There was also evidence of exploitation of indigenous children in the regions of the Chaco, Beni, and Santa Cruz, and in cities across the country wherever people were migrating in from the countryside. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses but, when employed, often worked the same hours as adults. Children also worked in mines and other dangerous occupations in the informal sector. Narcotics traffickers used children to transport drugs. Child prostitution remained a problem. According to an April report by the human rights ombudsman, 3,000 children lived in the streets, many of whom were exploited sexually. The report stated that more than 100,000 children worked eight to 12 hours a day. The IOM estimated that 2,000 girls worked, or were forced to work, as prostitutes.

The traditional practice of “criadito” service persisted in some parts of the country. Criaditos are indigenous children of both sexes, usually 10- to 12-year-olds, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. Such work is illegal, and there were no controls over the benefits to, or treatment of, such children.

The Government devoted minimal resources to investigating child labor cases, but NGOs and international organizations such as UNICEF supplemented the Government's efforts.

The Government continued its efforts to eliminate child labor in its worst forms, working with NGOs to discourage the use of child labor in the mining and sugar sectors by participating in internationally funded programs to provide educational alternatives to children who otherwise would work in mines or sugarcane fields. Nonetheless, in 2007, according to the human rights ombudsman, 3,800 children worked in mining.

e. Acceptable Conditions of Work.—During the year the Government raised the minimum monthly wage to 577 bolivianos (\$82) for the public and private sectors, from 525 bolivianos (\$75) in 2007. The minimum wage did not provide a decent standard of living for a worker and family. Most private-sector workers earned more than the minimum wage. While the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. Many independent workers were part of the informal economy, and did not receive the minimum wage.

Labor laws establish a maximum workweek of 48 hours, limit women to a workday one hour shorter than that of men, prohibit women from working at night, mandate rest periods, and require premium pay for work above a standard workweek. In practice the Government did not effectively enforce these laws.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards were enforced poorly. There were fewer than 30 inspectors throughout the entire country. While the Government did not maintain official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. A national tripartite committee of business, labor, and government representatives was responsible for monitoring and improving occupational safety and health standards. The Ministry of Labor maintained an office for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in cooperative-operated mines remained poor. Miners continued to work with no scheduled rest for long periods in dangerous, unhealthy conditions and earned relatively little for their efforts; some earned less than 21 bolivianos (\$3) per 12-hour day. Conditions have changed little in the past decades, as independent miners' cooperatives lacked the financial and technical resources needed to improve mine infrastructure. The law provides workers the right to remove themselves from dangerous situations without fear of losing their jobs.

BRAZIL

Brazil is a constitutional federal republic with a population of approximately 190 million. In 2006 voters reelected President Luiz Inacio Lula da Silva of the Workers' Party to a second four-year term in a generally free and fair election. While civilian authorities generally maintained effective control of the federal security forces, state-level security forces committed numerous human rights abuses.

The Federal Government generally respected the human rights of its citizens; however, there continued to be numerous, serious abuses, and the records of several state governments were poor. The following human rights problems were reported: unlawful killings, excessive force, beatings, abuse, and torture of detainees and inmates by police and prison security forces; inability to protect witnesses involved in criminal cases; harsh prison conditions; prolonged pretrial detention and inordinate delays of trials; reluctance to prosecute as well as inefficiency in prosecuting government officials for corruption; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous persons and minorities; failure to enforce labor laws; widespread forced labor; and child labor in the informal sector. Human rights violators often enjoyed impunity.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Federal Government or its agents did not commit politically motivated killings, but unlawful killings by state police (military and civil) were widespread.

In many cases police officers employed indiscriminate lethal force during apprehensions. In some cases civilian deaths followed severe harassment or torture by law enforcement officials. Killings by police occurred for various reasons. Confrontations with heavily armed criminals resulted in shoot-outs. Some police accused of killing suspects lacked the training and professionalism to manage deadly force. On other occasions the police behaved as criminals.

Death squads with links to law enforcement officials carried out many killings, in some cases with police participation. Credible, local human rights groups reported the existence in several states of organized death squads linked to police forces that targeted suspected criminals and persons considered problematic or undesirable by land owners.

The Catholic Church's Pastoral Land Commission reported preliminarily that during the year there were 18 confirmed killings related to disputes over land, water, and labor compared with a total of 25 such killings in 2007. Amnesty International (AI) and other credible sources stated that such killings often occurred with the participation, knowledge, or acquiescence of state law enforcement officials.

Numerous credible reports indicated the continuing involvement of state police officials in revenge killings and the intimidation and killing of witnesses involved in testifying against police officials.

In Rio de Janeiro, the most acute human rights problems involved indiscriminate use of force, by both on- and off-duty police, primarily in the city's poorer northern section. Residents of the city's more than 800 favelas (shantytowns), where an estimated one-third of the population (i.e., more than two million persons) lived, were at increased risk given the frequency of police actions. According to the Rio de Janeiro-based nongovernmental organization (NGO) Global Justice (GJ), impunity and nonaccountability for police actions were serious problems in the metropolis. AI claimed that Rio de Janeiro law enforcement continued to be characterized by large-scale operations in which heavily armed police units "invaded" favelas. AI added that few killings were effectively or independently investigated and that perpetrators were seldomly prosecuted successfully.

Reports of killings by Rio de Janeiro police decreased during the year under a new state security strategy. Statistics released by the Rio de Janeiro State Secretariat for Public Security showed 911 persons killed as a result of police confrontations from January through September, a 12 percent decrease over the same period in 2007. The Rio de Janeiro Institute for Public Security reported that police killed an average of four persons per day during 2007. According to a UN report released in September, police clashes resulted in 1,260 civilian deaths in Rio de Janeiro State in 2007. Most of these killings occurred during "acts of resistance," the UN report commented.

The Sao Paulo State Secretariat for Public Security reported that Sao Paulo state police (civil and military) killed 340 civilians in the state from January to September, compared with 315 during the same period in 2007. Cases involving extrajudicial executions were either under police investigation or before the state courts; observers believed that it could take years to resolve such cases.

In January in Rio de Janeiro, 17-year-old Andreu Luis da Silva Carvalho was beaten to death at the Padre Severino Youth Detention Facility after being taken into custody for petty theft. Authorities investigated the death, reportedly from brain trauma and hemorrhaging, and suspended the guards for 30 days. At year's end no further action had been taken.

In January in Sao Paulo, Colonel Jose Herminio Rodrigues, who was investigating the participation of police officers in extrajudicial killings, was shot and killed on the street. A police investigation identified three officers involved in the crime; at year's end they remained in prison, but no trial date had been set.

In June in Rio de Janeiro, three teenagers were reportedly killed by a rival drug trafficking gang. According to reports, federal military troops were involved in abducting the boys and selling them to the rival gang in Morro da Providencia favela. In response the Government withdrew the federal troops (who had been deployed to provide security for a mayoral candidate's social project). Following intense media attention, the Rio de Janeiro State legislature opened an inquiry into the role of militias that uncovered extensive links among corrupt police officers, militia members, and state and municipal legislators. As a result several militia leaders, including a state deputy, were imprisoned.

On August 5, a body that had been buried in a cemetery for indigents was identified using DNA as that of 19-year-old Andre Lima de Araujo. He had been detained by police in May 2007 during a raid on the outskirts of Guarulhos. At year's end the case remained under investigation.

During the year there were reports of multiple killings (called *chacinas*) in Sao Paulo State, often drug-related and suspected to involve the police. Several such cases from February, May, and September 2007 remained under investigation at year's end.

Four military police officers and a businessman were arrested in May for the killing of investigative journalist Luiz Carlos Barbon Filho in May 2007 in Porto Ferreira, Sao Paulo; at year's end they remained in custody awaiting trial. Barbon had investigated numerous cases involving corruption by state officials, including police involvement in gangs stealing freight from trucks on the highway. In November his widow reported that she and her children were being followed and harassed by persons linked to her husband's alleged killers.

There were no known developments, and none were expected, in the investigations of the June 2007 joint operations in Rio de Janeiro's favelas (Complexo do

Alemao and Vila Cruzeiro) by state police and national military forces that resulted in numerous deaths and injuries, including many civilians and bystanders. According to state officials, all the deaths occurred in police confrontations. However, the president of the Rio de Janeiro State Bar Association's Human Rights and Juridical Assistance Committee, along with 16 NGOs in the state, reported to the Organization of American States that summary executions may have occurred during the operations.

The investigation of the August 2007 killings of Aurina Rodrigues Santana, Rodson da Silva Rodrigues, and their 19-year-old son in their Salvador home remained open. Despite allegations from the family that military police had tortured some of the victims three weeks prior to the killings, the ongoing civil police investigation was hindered by the reluctance of witnesses to testify. Authorities did not charge the suspected police officers but reportedly reassigned them to administrative duties.

In December the Military Police Command expelled five of six police officers accused of torturing and killing a 15-year-old the preceding December in Bauru, Sao Paulo State. The five were freed pending trial; the sixth accused remained under investigation and relieved of duty. The state government paid compensation to the victim's family.

There were no known developments, and none were expected, in the 2006 cases of the four police officers arrested for participating in death squad operations in Baixada Fluminense, Rio de Janeiro; the killing of Sergio Bezerra do Nascimento in Favela Acari in Rio de Janeiro; or the killing of five persons by military police in Niteroi, Rio de Janeiro.

At year's end there were no developments concerning Sao Paulo law enforcement officials allegedly killing persons related to 2006 riots. There were also no known developments in the case of 13 Pernambuco State military police officers charged in 2006 with torturing 14 adolescents, two of whom died, and the officers remained free awaiting trial.

On May 6 after a required retrial, Vitalmiro "Bida" Bastos Moura, convicted in 2007 of the 2005 murder of Catholic nun Dorothy Mae Stang, was found not guilty. On June 9, the president signed into law a bill that eliminated automatic retrial for defendants, like Bastos, sentenced to more than 20 years. After the confession by another defendant, Rayfran das Neves Sales, a Para State court found him guilty of the 2005 murder and sentenced him on May 6 to 28 years in prison. On December 26, according to a police report, authorities detained Regivaldo Galvao, also accused in the murder case, as part of an investigation into whether he forged titles to land where the nun was killed.

After a jury trial in March, a Rio de Janeiro State court set free Leonardo Marques, the confessed killer in 2005 of environmentalist Dionisio Julio Ribeiro Junior, due to lack of evidence.

Former military police lieutenant colonel Waldir Coppetti Neves, charged with five other military police officers for creating a paramilitary group to kill landless rural workers in Parana State, remained free while awaiting trial.

There continued to be no information, and none was expected, regarding the case of eight military police arrested in 2005 on suspicion of participating in a death squad involved in at least 26 killings in Natal, Rio Grande do Norte, over a three-year period.

Lynching by mobs or vigilante groups was common in some regions, especially against those accused of rape or other crimes that went unpunished in favelas due to the absence of state or local security agents.

b. Disappearance.—There were no reports of politically motivated disappearances. However, the Center of Studies of Security and Citizenship estimated that in 2006 approximately 1,940 persons "disappeared"; the center believed many were killed by police. There were also reports of abduction by federal troops (See Section 1.a.).

There were no developments in the disappearance cases that occurred during the 1964–85 military dictatorship, and 400 cases remained for the Amnesty Commission to analyze. There were also no developments regarding the 2007 Chamber of Deputies' Human Rights Committee request that the Government seize documents to determine the circumstances of military regime political prisoner deaths and the locations of their remains.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits torture and provides severe legal penalties for its use, torture by police and prison guards remained a serious and widespread problem. In February the Government's National Human Rights Secretariat (SEDH) acknowledged that torture existed in the country and related the problem to societal

tolerance and the fear of retaliation. Federal, state, and military police often enjoyed impunity in cases of torture, as in other cases of abuse.

During the year an additional state (for a total of 13 of 26) adopted the National Plan for the Prevention and Control of Torture, which includes the installation of cameras in prisons and penitentiaries, taping of interrogations, and reversal of the presumption of innocence for those accused of torture.

During the first half of the year, the Sao Paulo State Ombudsman's Office received five complaints of torture by police, compared with seven during the same period of 2007.

Police continued to abuse transvestite prostitutes in Rio de Janeiro, Belo Horizonte, and Salvador, according to the NGO Bahia Gay Rights Group. Police routinely investigated such allegations, which rarely resulted in punishment (*see* Section 5. Other Societal Abuses and Discrimination).

In Rio de Janeiro, militia members reportedly continued to use physical abuse, degrading treatment, and torture to spread fear and establish control over favela residents. While militia members, many of them off-duty and former law enforcement officers, often began by taking community policing into their own hands, many intimidated residents and conducted other illegal activity.

In May militia members reportedly kidnapped, tortured, and released two *O Dia* newspaper investigative journalists in Rio de Janeiro's Batan favela, when they were discovered living there undercover to investigate militias.

The Rio de Janeiro military police officer, who publicly defended the use of torture in 2007 and was subsequently transferred, was assigned command of the 38th Military Police Battalion in Tres Rios.

The nine police officers, including the police chief of Osasco, Sao Paulo-charged in 2007 with theft, torture, extortion, beating, and threatening to rape to extort money-remained free and continued to await a trial that at year's end was not scheduled.

In October 2007 the Inter-American Commission on Human Rights (IACHR) adopted several findings in a case originated in 1998-that authorities had violated the rights of Antonio Ferreira Braga by illegally arresting and torturing him in 1993 in Ceara State, and that the Government had failed to prevent and punish said acts-and also made four recommendations. After various exchanges the IACHR announced on July 18 that the Government had fulfilled one recommendation (training police on humane treatment), but not two others (investigation and punishment of those responsible, compensation of the victim), and that one remained pending (investigation of possible negligence of authorities).

Prison and Detention Center Conditions.—Prison conditions throughout the country often ranged from poor to extremely harsh and life threatening. Abuse by prison guards, poor medical care, and severe overcrowding occurred at many facilities.

Prison officials often resorted to brutal treatment of prisoners, including torture. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and a lack of medical care led to a number of deaths in prisons. Poor working conditions and low pay for prison guards encouraged widespread corruption. Prisoners who committed petty crimes were held with murderers. According to the National Penitentiary Department, in June there were 392,279 prisoners incarcerated, 40 percent more than the system's design capacity, and the number increased approximately 3,000 per month.

During the year 135 prisoners were involved in riots from January to June in federal prisons. There were several official complaints of overcrowding in Goias, Rio de Janeiro, Sao Paulo, and Minas Gerais states.

In Rio de Janeiro, pretrial detainees were often held together with convicted prisoners due to overcrowding. In August the state Court of Justice released a plan, which authorities began implementing, to improve conditions for its 23,000 prisoners. Sentences are to be comprehensively reevaluated based on prison space availability, with a pilot project in the Placido Sa Carvalho and Carlos Tinoco da Fonseca prisons. The state also began implementing its plan to remove military police officers from prison duty and replace them with 240 civilians.

The Catholic Church's Ministry for the Incarcerated in Sao Paulo State reported that authorities used police stations in the state capital as prisons, increasing the risk of mistreatment and torture. The ministry also reported that penitentiary construction continued but did not alleviate overcrowding. The state's criminal justice system as a whole continued to sentence more defendants to prison or detention each month than it released. Many inmates were also held beyond their sentences. In January prisons in Sao Paulo State held nearly 152,000 adults, approximately 30 percent above design capacity.

In January eight prisoners died in a prison fire in Minas Gerais State when a guard left his post and no one else had keys to the facility.

In February prisoners in Minas Gerais complained of rats and scabies in the jail. Thirty inmates occupied a 320-square-foot space without exposure to sunlight and suffered from untreated injuries.

Also in February prisoners in Aguas Lindas, Goias State, complained of overcrowding (120 inmates in a jail with capacity for 37), spoiled food, and trial delays for lack of public defenders.

A congressional investigative report presented in June described conditions in the Contagem prison in Minas Gerais where 70 prisoners, confined to cells built for 12 persons, were obliged to alternate sleeping schedules. Overcrowding made bathroom facilities unusable. The report also revealed that prison overpopulation in Bahia led to the use of 20 temporary containers to hold more than 150 prisoners at the Mata Escura facility in Salvador. After an investigation determined that the containers were infested with rats and cockroaches and not properly ventilated, authorities prohibited their use.

In the August 2007 gang dispute and resultant fire in an overcrowded jail in Ponte Nova, Minas Gerais, which killed 25 inmates, the state civil police investigation resulted in indictments of 23 individuals for allowing weapons into the facility and failing to respond adequately to the incident.

The Women's Penitentiary of Santana in Sao Paulo, a former men's facility remodeled to accommodate female prisoners, remained in precarious condition, although health care improved in response to human rights organization requests.

Rio de Janeiro and Sao Paulo states and the Federal District provided separate prison facilities for women; elsewhere, women were held with men in some facilities. Male officers who served in women's prisons often abused and extorted the prisoners for sexual favors.

In the Federal District, one juvenile detention center did not meet the requirements and recommendations established by the National Socio-Educational System and the Statute of the Child and Adolescent. TV Globo reported that one adolescent was killed and several injured in riots.

Media reported that throughout the country adolescents were jailed with adults in prison units without bathrooms and in inhumane conditions. Insufficient capacity in juvenile detention centers was widespread. However, the Sao Paulo State's Office for the Defense of Children and Youth reported that there were no longer any juvenile criminals incarcerated with adults within the state. Under court order the state's Foundation House (formerly FEBEM) provided new facilities for them. NGOs confirmed improvements in the Sao Paulo State juvenile detention system during the year, including construction of more modern facilities, replacement of large complexes with smaller units, a decreased number of incarcerated juvenile criminals, and increased focus on guard and staff training and performance.

While authorities attempted to hold pretrial detainees separately from convicted prisoners, overcrowding often required holding convicted criminals in pretrial detention facilities. In addition abuses continued in municipal jails and detention centers throughout the country.

The investigation into September 2007 reports of prisoners being forced to be sex slaves and have their actions recorded on camera in a prison in Santa Rita de Caldas, Minas Gerais, led to indictments in November 2007 and the transfer of many of the prisoners to the penitentiary in Andrades, Minas Gerais.

The investigation into the November 2007 incident in Abaetetuba, Para, in which a 15-year-old girl was held for a month in a police cell with at least 20 men who repeatedly abused her sexually, concluded in March with indictments of 12 persons, including 10 police officers.

It is government policy to permit prison visits by independent human rights observers; however, in practice this policy often was not followed. GJ representatives reported that they are commonly denied access to detention facilities and that their level of access to prisons varied. In the states of Sao Paulo and Rio de Janeiro, GJ found access difficult, particularly in the Ary Franco prison in Agua Santa, Rio de Janeiro.

Having obtained judicial authorization to enter juvenile detention facilities in Sao Paulo, human rights advocates reported an improvement in their general conditions. Foundation House continued slowly dismantling the large out-of-date Frano da Rocha detention center that was the scene of inmate violence.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and it limits arrests to those caught in the act of committing a crime or arrested by order of a judicial authority; however, police continued at times to arrest and detain persons arbitrarily.

Role of the Police and Security Apparatus.—The Federal Police, operating under Ministry of Justice oversight, is small, primarily investigative, and plays a minor role in routine law enforcement. Most police forces fall under the control of the states, where they are divided into two distinct units: The civil police are plain-clothes officers with an investigative role, while the military police are uniformed officers charged with maintaining order and preventing crime. Although the individual state governments control their respective military police forces, the constitution provides for calling them into active military service in the event of an emergency, and they maintain some military characteristics and privileges, including a separate judicial system.

To reduce the number of deaths resulting from police confrontations, the Rio de Janeiro State Public Secretary announced a state budget item of approximately 1.25 million reais (approximately \$500,000) to purchase less lethal weapons for the police arsenal and a state initiative to provide more officer training on procedures during confrontations.

In the favelas, militia groups often start as off-duty and former law enforcement officers taking community policing into their own hands. However, many militia groups come to resemble drug trafficker groups in intimidating residents and conducting illegal activity such as extorting protection money, imposing tribute fees, and providing pirated utility services. The number of militias with police participation continued to increase in Rio de Janeiro. Punishing police involved in militia activity was difficult due to solidarity and fear of reprisals. Police often did not conduct operations in communities dominated by militias. State authorities estimated that militias have taken over nearly 100 favelas from drug trafficker control, mostly in the city's west.

In August a militia group called the "Justice League" was believed to have killed seven residents in Rio de Janeiro's Barbante favela. According to the State Secretariat for Public Security, 17 militia members entered the community and shot individuals at random in an attack reportedly orchestrated by former military police officer Luciano Guinancio, the son of a Rio de Janeiro city council member who was jailed in 2007 for organizing illegal militia activity in the same area. Three other active-duty military police officers were suspected of involvement. However, due to a lack of evidence, no charges were brought.

There were two convictions of Rio de Janeiro military police officers during the year for killings in the so-called "Baixada Massacre" of 2005.

Arrest and Detention.—With the exception of arrests of suspects caught in the act of committing a crime, arrests must be made with a warrant. The use of force during an arrest is prohibited unless the suspect attempts to escape or resists arrest. Suspects must be advised of their rights at the time of arrest or before being taken into custody for interrogation.

Authorities generally respected the constitutional right to a prompt judicial determination of the legality of detention. Detainees generally were informed promptly of the charges against them. The law permits provisional detention for up to five days under specified conditions during a police investigation, but a judge may extend this period. A judge may also order temporary detention for an additional five days for paperwork processing. Preventive detention for an initial period of 15 days is permitted if police have indications that a suspect may leave the area. This can be renewed under specific circumstances. Occasionally detainees—typically poor and uneducated—were held longer than the provisional period.

Defendants arrested in the act of committing a crime must be charged within 30 days of arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts almost always resulted in extending the period for charging defendants. Bail was available for most crimes, and defendants facing charges on all but the most serious crimes had the right to a bail hearing. In general prison authorities allowed detainees prompt access to a lawyer; indigent detainees had the right to a lawyer provided by the state. Detainees were also allowed prompt access to family members.

Human rights observers stated that civil and uniformed police regularly detained persons illegally to extort money or favors. Between January and September, the Sao Paulo State Ombudsman's Office received one complaint of extortion, equal to the number for the same period in 2007.

The law does not provide for a maximum period for pretrial detention, which is defined on a case-by-case basis. Time in detention before trial is subtracted from the sentence.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice; however, the judiciary was underfunded, inefficient, and often subject to intimidation.

tion and to political and economic influences, particularly at the state level, a situation that resulted in vigilante action. A number of senior judges remained under investigation nationwide on a variety of charges.

Although the law requires that trials be held within a set period of time, which is defined according to individual circumstances, the nationwide backlog in state and federal cases frequently led courts to dismiss old cases unheard.

The judicial system ranges from courts of first instance and appeals, through courts of second instance and the Superior Court of Justice, to the Federal Supreme Court. States organize their own judicial systems within the federal system and must adhere to basic constitutional principles. There are specialized courts for police, military, labor, election, juvenile, and family matters.

Trial Procedures.—The right to a fair public trial as provided by law generally was respected in practice, although in some regions—particularly in rural areas—the judiciary was less professionally capable and more subject to external influences. Similarly, when cases involved gunmen hired by landowners to kill land activists or rural union activists, local police often were less diligent in investigating, prosecutors were reluctant to initiate proceedings, and judges found reasons to delay.

After an arrest a judge reviews the case, determines whether it should proceed, and, if so, assigns it to a state prosecutor who decides whether to issue an indictment. The law recognizes the competence of a jury to hear cases involving capital crimes. Judges try those accused of lesser crimes.

Defendants have the right to confront and question witnesses, enjoy a presumption of innocence, and have a right to appeal. At the appellate level, a large case backlog hindered the courts' ability to ensure fair and expeditious trials.

While the law provides for the right to counsel, the Ministry of Justice estimated that 85 percent of prisoners could not afford an attorney. In such cases the court must furnish a public defender or private attorney at public expense. The Rio de Janeiro State's 35 public defenders, however, provide assistance only to prisoners who have already been convicted. The Public Ministry continued hiring public defenders, but a deficit remained in all states.

The law mandates that special police courts exercise jurisdiction over state military police except those charged with "willful crimes against life," primarily homicide. In all but the most egregious cases, police tribunals decided whether or not the killing was willful. As a result civilian courts, which have jurisdiction over killings by police, received very few case referrals involving police killings. In addition the requirement that the initial investigation be carried out by police internal affairs officers increased the potential for long-languishing investigations. The police themselves were often responsible for investigating charges of torture carried out by fellow police officers. Long delays in the special military police courts allowed many cases of alleged torture and lesser charges to expire due to statutes of limitations.

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

On September 23, the Ministry of Justice Amnesty Commission ruled that 41 activists imprisoned for labor activities during the military dictatorship (1964–85) were entitled to indemnization. The ruling awarded 27 persons settlements of approximately 390,000 reais (approximately \$156,000) plus monthly payments of 3,000 reais (\$1,200), while another 12 activists were awarded a single payment averaging approximately 117,500 reais (\$47,000).

Civil Judicial Procedures and Remedies.—While the justice system provides for an independent civil judiciary, courts were overburdened with significant backlogs and sometimes were subject to corruption, political influence, and intimidation. Citizens have access to bring lawsuits before the courts for human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but there were reports that police conducted searches without a warrant. Human rights groups, other NGOs, and media reported frequent incidents of violent police invasions in shantytowns and poor neighborhoods. During these operations police stopped and questioned persons and searched cars, residences, and business establishments without warrants. Victims reported searches without warrants and abusive and violent searches of women. Wiretaps authorized by judicial authority were permitted. The inviolability of private correspondence generally was respected.

In August *Veja* magazine revealed that unknown persons had tapped a telephone call between Senator Demostenes Torres and Supreme Court President Gilmar Mendes. The senator accused the Brazilian Intelligence Agency (ABIN) and, after a Federal Police investigation, the president placed ABIN Director Paulo Lacerda on administrative leave.

Section 2. Respect for Civil Liberties Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the authorities generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction.

Criminal as well as other elements, such as political party activists, subjected journalists to violence, sometimes specifically because of their professional activities. In February the NGO, Reporters without Borders, stated that violence and threats against reporters were constant. It noted that two journalists were killed in 2007, and at least one of those cases appeared linked to the victim's profession. The organization also accused the Government of exerting undue media control in Mato Grosso do Sul, Santa Catarina, Sao Paulo, and Bahia states.

In February the Supreme Court suspended all legal actions brought against journalists and media companies that were based on a press law dating from the last military dictatorship, which had allowed lawsuits against journalists for allegedly causing moral damage.

In July the National Press Association protested against the intimidation of three journalists who covered municipal elections in Rio de Janeiro. The journalists, who had photographed a mayoral candidate shaking hands with criminals in a well-known shantytown, were forced by the criminals at gunpoint to delete their photos. No investigation or prosecution followed.

The National Federation of Journalists continued to report cases of violence against, and failure to respect freedom of, the press during the year, but no statistics were available by year's end.

In April the Inter American Press Association called on the public to urge the country's president to solve the 2004 killing of radio commentator Jorge Lourenco dos Santos in Santana do Ipanema, Alagoas; and to recall that other suspected killers of journalists remained unapprehended and seven other such killings remained unsolved.

In December authorities granted early release for good behavior to two gang-member prisoners, Claudio Orlando do Nascimento and Claudinho dos Santos, who had received multiyear sentences in 2005 for the 2002 murder of TV Globo reporter Tim Lopes. Lopes was investigating the sexual exploitation of minors by drug traffickers in Rio de Janeiro's Vila del Cruzeiro favela when he was killed.

At year's end journalist and newspaper editor Fausto Brites remained free pending appeal to the Federal Court of Justice in Mato Grosso do Sul State of his 10-month prison sentence in 2006 for defamation.

Internet Freedom.—There were generally no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that there were 27 Internet users per 100 inhabitants in 2007.

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

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—It is illegal to write, edit, publish, or sell books that promote anti-Semitism or racism. The law enables courts to fine or imprison anyone who displays, distributes, or broadcasts anti-Semitic or racist materials and mandates a two- to five-year prison term. The Government officially equates anti-Semitism to racism.

According to the country's Jewish Confederation, there were approximately 120,000 Jewish residents, of whom approximately 60,000 were in Sao Paulo State and 40,000 in Rio de Janeiro State.

There were reports of violence against Jewish persons. Jewish community leaders expressed concern over the continued appearance on Web sites of anti-Semitic material compiled by neo-Nazi and "skinhead" groups. The Jewish Federation of Sao Paulo reported cases of anti-Semitic graffiti, harassment, vandalism, and threats via telephone and e-mail.

Police and Jewish Federation of Sao Paulo representatives stated that anti-Semitic Web sites and blogs grew rapidly during the year. Occasional anti-Semitic

graffiti and anti-Semitic epithets directed at Orthodox Jews were also visible in some of Sao Paulo's traditional Jewish neighborhoods.

At year's end the 2nd Court of Justice of Porto Alegre continued to take testimony but had not set a trial date in the 2005 case of 14 persons charged with attempted murder, gang formation, and racism for attacking three Jewish students in Porto Alegre, Rio Grande do Sul.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, although there were restrictions on entry into protected indigenous areas.

The law prohibits forced exile, and it was not practiced.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The UNHCR estimated that approximately 600 persons fled to the country from the September conflict in Pando, Bolivia, and 70 requested asylum.

According to the National Committee for Refugees, at the end of the year there were 3,918 recognized refugees in the country. During the year authorities granted refugee status to 226 individuals. Those who maintain their status, which is reviewed every two years, may receive identity and travel documents and work and study in the country.

From 1998 to 2008, 4,515 persons sought asylum, according to news reports. There were, in addition to officially recognized refugees, approximately 17,500 de facto Colombian refugees in the country's Amazon region, according to the 2008 World Refugee Survey. Many asylum seekers did not have government support because of the poor infrastructure in the region. Relations with local communities were increasingly difficult because of pressures on the educational and health systems.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Military conscripts may not vote.

Elections and Political Participation.—In the 2006 national election generally considered free and fair, Workers' Party candidate Luiz Inacio Lula da Silva won a second four-year term as president.

Militias were suspected of intimidating residents of Rio de Janeiro's favelas to vote for particular candidates in October municipal elections. The defense minister deployed army troops to 24 communities, identified by the Regional Electoral Court as at-risk for voter intimidation by militias and other criminal organizations, to supplement local security forces in protecting the election process. In the event no major incidents of voter intimidation were reported.

Political parties operated without restriction or outside interference.

Women have full political rights. The law requires that 30 percent of candidates in each political party must be registered by women. There were 10 women in the 81-member Senate and 45 women in the 513-member Chamber of Deputies. There were two women in the cabinet, two on the Federal Supreme Court, and one on the Military Superior Court. Women occupied 11.2 percent of elected seats at the state level and 12.6 percent at the municipal level.

There were 17 self-identified Afro-Brazilians in Congress, according to the Black Parliamentary Center. There were three self-identified Afro-Brazilians in the cabinet and one on the Federal Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The

World Bank's worldwide governance indicators reflected that corruption was a serious problem.

In June Federal Police uncovered an alleged scheme involving fraudulent public works contracts valued at an estimated 1.05 billion reais (approximately \$420 million). Police operation "Joao de Barro" claimed that four members of the Chamber of Deputies conspired to defraud the Government through contracts for projects in 119 cities. Despite the allegations the Government authorized some of the investigated contracts to be paid in August, under the scrutiny of the Comptroller General's Office; the Federal Police head in Minas Gerais State announced the investigations were concluded; and by year's end no formal charges had been laid.

On July 8, Federal Police broke up an alleged financial crimes scheme, in operation since 2004, that included money laundering, tax evasion, conspiracy, and other crimes involving public funds. At year's end the investigation was ongoing; several senior officials were suspected of involvement, but none had been charged. On December 2, in a related case, a federal judge sentenced the Opportunity Bank owner to 10 years in prison for corruption.

On September 16, Federal Police temporarily detained Romero Menezes, the executive director of the Federal Police and its second-ranking official, under suspicion of leaking information to his brother about an investigation into a fraud scheme involving a railroad concession in Amapa. Authorities placed Menezes on administrative leave, and the Federal Police head replaced the officers in charge of the investigation, which was continuing at year's end.

On May 13, following Federal Police accusations in 2007 of conspiracy to defraud the Government through overpriced public works contracts, the Public Ministry formally charged 61 persons, including a former minister of mines and energy, two state governors, and two former state governors.

Although in 2007 the Supreme Court ruled that prosecution should proceed, during the year there were no significant developments in the cases pending against 40 persons accused of illegal payments to legislators in exchange for support of government legislation.

Public officials were subject to financial disclosure laws. Federal government entities such as the Federal Audit Court, the Federal Controller General, the Public Ministry, the Federal Police, the judiciary, the Department of Revenue and Control of Financial Activities, and the Federal Treasury existed to fight corruption. The agencies identified campaign financing and public spending as sources of financial corruption; however, they had limited powers to function effectively.

The law provides for public access to unclassified government information upon application to the Commission for Public Ethics; however, the bureaucratic process often slowed release of such information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials often were cooperative and responsive to their views. Although federal and state officials in many cases sought the aid and cooperation of domestic and international NGOs in addressing human rights problems, human rights monitors occasionally were threatened and harassed for their efforts to identify and take action against human rights abusers, particularly by members of the state police.

While most states had police ombudsmen, some NGOs and human rights observers questioned their independence and effectiveness. The ombudsmen's accomplishments varied considerably, depending on such factors as funding and outside political pressure.

The Chamber of Deputies and the Senate each have human rights commissions that operated without interference and participated in several activities nationwide in coordination with domestic and international human rights organizations.

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

Although the law prohibits and penalizes discrimination on the basis of race, gender, disability, or social status, discrimination against women, Afro-Brazilians, homosexuals, and indigenous persons continued.

Women.—Rape, including spousal rape, is a crime punishable by eight to 10 years' imprisonment; however, men who killed, sexually assaulted, or committed other crimes against women were unlikely to be brought to trial. The Federal Government continued to operate a toll-free 24-hour hot line nationwide. It received 269,977 calls during the year, a 32 percent increase compared with 2007, including reports of 13,785 cases of physical violence, an additional 6,499 cases of threats of violence,

298 rapes, and 261 attempted killings. According to data from January to June, approximately 60 percent of the callers reported being beaten daily and 18 percent, weekly; 64 percent of the callers reported being beaten by domestic partners, who in the majority of cases were under the influence of alcohol or drugs. From January to September, the Sao Paulo State Secretariat for Public Safety registered 2,562 rape cases, compared with 4,045 during the same period in 2007. There was no information available on the numbers of prosecutions or convictions for rape.

Domestic violence remained both widespread and underreported. During the year there were 24,523 cases of domestic violence registered nationwide, compared with 20,050 cases in 2007. For such cases the law increases the penalty from one to three years in prison and creates special courts. The Federal Government stimulated the creation of these courts and promoted capacity-building courses for judges. There were at the end of the year a total of 61 such courts established, along with 15 public defender positions to provide free legal assistance to domestic violence victims. At least 17 of the 26 states plus the Federal District had such courts. There was no information available on the numbers of prosecutions or convictions for domestic violence.

Each state secretariat for public security operated “delegacias da mulher” (DEAMs), police stations dedicated exclusively to addressing crimes against women, for a total of 415 countrywide. The quality of services varied widely, and availability was particularly limited in isolated areas. For example, the North and Northeast regions, which contained approximately 35 percent of the country’s population, possessed only 24 percent of the country’s DEAMs. The stations provided psychological counseling, temporary shelter, and hospital treatment for victims of domestic violence and rape (including treatment for HIV and other sexually transmitted diseases) as well as criminal prosecution assistance by investigating and forwarding evidence to courts. There were also 123 reference centers and 66 women’s shelters.

In Rio de Janeiro, the city’s Rio Women Program provided assistance to female victims of domestic violence who received death threats. When necessary, victims were sent to specific shelters, which also provided psychological and legal aid. In addition to the Women Program, victims of domestic violence could obtain assistance at the Center for Women’s Support, an initiative of the Rio de Janeiro state government that offered a complaint hot line, shelters, and psychological and legal aid.

The law requires health facilities to contact the police regarding cases in which a woman was harmed physically, sexually, or psychologically in order to collect evidence and statements should the victim decide to prosecute.

Prostitution is legal, but exploiting it through associated activities, such as operating a brothel, is illegal. While no specific laws address sex tourism, it is punishable under other criminal offenses, and there was a government-released “code of conduct to combat sex tourism and sexual exploitation” and government-conducted campaigns in the most affected areas. The Federal District and the states of Pernambuco, Espirito Santo, Amazonas, and Parana enacted laws requiring certain businesses to display signs listing the penalties for having sexual intercourse with a minor. Rio de Janeiro and Bahia states had similar legislation. Women’s groups reported that prostitutes encountered discrimination when seeking free medical care. Trafficking of women for the purpose of prostitution was a serious problem.

Sexual harassment is a criminal offense, punishable by up to two years in prison. The law encompasses sexual advances in the workplace or in educational institutions and between service providers or clients. In the workplace it applies only in hierarchical situations, where the harasser is of higher rank or position than the victim. Although the law was enforced, accusations were rare, and the extent of the problem was not documented.

Women have the same legal rights as men. A cabinet-level office, the Secretariat for Women’s Policy, oversees a special entity charged with ensuring the legal rights of women. Although the law prohibits discrimination based on gender in employment and wages, there were significant wage disparities between men and women. According to the Ministry of Labor and Employment (MTE), women were often paid less than men in the same functions.

The law provides 120 days of paid maternity leave to women and seven days of paternity leave to men. The law also prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates, but some employers sought sterilization certificates from female job applicants or tried to avoid hiring women of childbearing age. Violations of the law are punishable by jail terms of up to two years for employers, while the company may be fined 10 times the salary of its highest-paid employee.

Children.—The Government continued its commitment to children's rights and welfare, but millions of children suffered from the poverty afflicting their families, worked to survive, and failed to get an education.

The percentage of births registered in 2007 was 89 percent according to the Brazilian Institute of Geography and Statistics (IBGE). There were wide discrepancies between the more affluent states of the south and southeast and the poorer states of the north and northeast regions of the country, with the states of Bahia, Ceara, Maranhao, and Sergipe each registering fewer than 80 percent of births and the states of Alagoas, Piaui, Amapa, and Roraima, fewer than 70 percent.

While the law prohibits subjecting any child or adolescent to any negligence or abuse, such abuse was a major problem. The SEDH-operated National Hot Line of Sexual Abuse and Exploitation against Children and Adolescents registered 32,588 reports of abuse, compared with 23,368 in 2007, a 40 percent increase. According to SEDH the increase does not necessarily represent an increase in cases of abuse, but rather an increase in denunciations to the hot line as public campaigns raise awareness.

Physical and psychological aggression was a major problem, with more than 10,900 complaints (or approximately one third of the total) recorded by the national hot line, a decrease compared to the more than 19,000 complaints in 2007 in this category. Allegations of abuse of minors and prosecution of crimes against children were not pursued adequately or aggressively.

Child prostitution was a problem, with extreme poverty the primary contributor. A study released in 2006 by the University of Brasilia, SEDH, and the UN Children's Fund found commercial sex involving children and adolescents in 927 of 5,561 municipalities. The largest percentage of these cases occurred in the Northeast, but all areas of the country had reported incidents.

According to the NGO Reference Center on Children and Adolescents (CECRIA), patterns of sexual exploitation of children corresponded to the distinct economic and social profiles of the country's regions. In the Amazon, region sexual exploitation of children took place in brothels that catered to mining settlements. In large urban centers, girls who left home to escape abuse or sexual exploitation often prostituted themselves on the streets to survive. In the cities along the northeast coast, sexual tourism exploiting children was prevalent and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruited children and also trafficked them outside the country. Child prostitution also developed in the areas served by the country's navigable rivers, particularly in ports and at international borders.

The Federal Police estimated that upward of 250,000 children were involved in prostitution. The national hot line reported that there were 10,125 cases of sexual exploitation of children and adolescents during the year. The 2006 University of Brasilia study found that 398 of the 1,514 tourist destinations frequented by citizens had an active sexual commercial market for children and adolescents. Trafficking in children for the purpose of prostitution was a serious problem. The national hot line received 78 reports of such trafficking both domestically and internationally, compared to 93 in 2007.

At midyear Federal Police in Manaus began investigating allegations that a foreign-owned travel company arranged fishing expeditions to the Amazon region that were in reality sex tours for U.S. and European pedophiles. At year's end the investigation was continuing in coordination with foreign law enforcement officials.

There were no developments in the child prostitution network case involving two aldermen in Para State, Roberto Alan de Souza Costa and Adson de Azevedo Mesquita. The Human Rights Committee of the Chamber of Deputies opened an investigation in 2007, but the committee's investigator was killed in a car crash in Para. The circumstances of his death were unclear, and his investigation papers were missing when police arrived at the scene.

All four persons (two citizens, two foreigners) arrested in Taquara, Rio Grande do Sul, in December 2007 on suspicion of pedophilia and trafficking of children were freed at year's end pending trial.

The primary federal program to assist child victims of commercial sexual exploitation was the Sentinel Program, which established local reference centers to provide victims with psychological, social, and legal services and raised awareness through information campaigns, workshops, and partnerships. The Ministry of Tourism continued to promote the code of conduct it developed to prevent the commercial sexual exploitation of children in the tourism industry, distributed public awareness campaign materials for display within tourism-related establishments, and continued to distribute awards to entities responsible for combating sexual exploitation of children within the industry. The Federal Highway Police and the International Labor Organization (ILO) published data on places such as gas stations, bars, res-

taurants, motels, and night clubs along highways considered to be areas for sexual exploitation of children and adolescents.

In Rio de Janeiro city, the Secretariat for Social Assistance coordinated aid to street children and minors who were victims of sexual abuse and exploitation. During the year the city increased from two to 10 the number of centers that provided social services, counseling, and shelters. The city also continued its telephone hot line for reporting cases of child sexual abuse and exploitation. The Sao Paulo city government continued to operate several programs for street children, including one that used rehabilitation and social reinsertion into other geographic areas to save the lives of adolescents condemned to death by drug traffickers.

Trafficking in Persons.—Although the law criminalizes all forms of trafficking, persons were trafficked from, within, and, to a lesser extent, to the country. Government statistics on the problem were unavailable, but authorities continued to estimate that thousands of women and adolescents were trafficked annually, both domestically and internationally, for commercial sexual exploitation.

Women were trafficked from all parts of the country. The Government reported that trafficking routes existed in all states and the Federal District. The National Research on Trafficking in Women, Children, and Adolescents for Sexual Exploitation Purposes identified 241 international and national trafficking routes.

Internal trafficking of rural workers into forced labor schemes was a serious problem, while trafficking from rural to urban areas occurred to a lesser extent. Union leaders claimed that nearly all persons working as forced laborers had been trafficked by labor recruiters. Labor inspectors found a small number of persons from other countries trafficked to work in urban sweatshops, primarily in the city and state of Sao Paulo. Labor recruiters generally recruited laborers from small municipalities in the North and Northeast and transported them to ranches and plantations in remote areas in the central western part of the country. Most internally trafficked slave laborers originated from the states of Maranhao and Piaui, while Para and Mato Grosso received the highest number of internally trafficked slave laborers.

Internal trafficking supplied forced labor, primarily from urban to rural areas, for agricultural work and commercial sexual exploitation. This typically occurred when employers recruited laborers from poor rural towns and transported them to remote areas where escape was difficult. Workers then were obliged to toil in brutal conditions until they were able to repay inflated debts.

Sex tourism existed throughout the country but was most apparent in coastal resort towns in the Northeast, South, and Southeast and in such major tourist destinations as Rio de Janeiro and Fortaleza, Ceara, as well as in the wildlife tourist areas of the Pantanal and Amazon.

CECRIA found that typical sex trafficking victims were darker-skinned women between 15 and 27 years of age, but researchers also noted the presence of adolescent boys as victims, some of whom worked as transvestites. Persons exploited in trafficking schemes typically came from low-income families and usually had not finished high school. Traffickers often lured victims with promises of lucrative work as dancers or models in Europe; beauty contest winners were cited as common targets. Girls were recruited at clubs and modeling agencies or through the Internet, want ads, mail-order bride schemes, or maid and au pair services. Most women who were trafficked internationally were older than 18, but younger victims were also trafficked with counterfeit documents.

Police officials believed that some women recruited by trafficking organizations understood they were to work as prostitutes but did not know about working conditions and their prospective earnings. In other cases women were told that they would work as nannies or domestics. Upon arrival the victims' passports often were confiscated, and they were forced to prostitute themselves and live in virtual confinement. In addition to threatening physical violence, traffickers often used debt and isolation to control victims. Trafficking in persons was linked to international networks of crime, including drugs, arms trafficking, and money laundering. Traffickers were predominantly citizens and were usually associated with such activities as brothels, escort agencies, nightclubs, and tourist agencies.

The law establishes a penalty of up to eight years' imprisonment and a fine for internal or external trafficking in persons for the purposes of prostitution; sentences may be increased up to 12 years when violence, threats, or deception are involved. The law requires the permission or presence of both parents for children to leave the country; it also prohibits children from leaving the country with a foreigner unless authorities grant prior approval.

Laws on trafficking for sexual exploitation were difficult to enforce, particularly in relation to domestic trafficking. Violators of antitrafficking laws rarely received

criminal penalties because of statutes of limitation. Police officers reported difficulty in arresting traffickers because of the need to apprehend them in the act of traveling with the victims. According to police, some women who left the country with traffickers did so willingly. Fear of reprisals and lack of awareness of legal recourse also kept victims from seeking police intervention or testifying against traffickers. In addition, because trafficking in persons laws were relatively new in the country and not fully understood by many judicial officials, courts often misclassified such cases. As a result, numbers of criminal convictions for trafficking offenses were low.

Fifteen government ministries and cabinet-level secretariats were involved in implementing the national antitrafficking in persons plan released in January. Included were various agencies of the Ministry of Justice (including the Federal Police), SEDH, MTE, Ministry of Tourism, and Ministry of Social Development. The Federal Highway Police was responsible for checking documents and monitoring traffic along highways and roads; occasionally they were involved in apprehending suspected traffickers. Federal and state police monitored the Internet to detect recruitment by sex traffickers. Operating under the National Justice Secretariat, antitrafficking offices in the states of Sao Paulo, Rio de Janeiro, Ceara, and Goias monitored domestic and international trafficking.

According to the UN Office for Drugs and Crime, there were four convictions for international sex trafficking during the year, three from Goias State and one from Santa Catarina State. In one of those cases, the Federal Court in Goias State on March 13 convicted four persons for international trafficking of women and sentenced them to thirteen years in prison. The victims had been trafficked primarily to Spain for sexual exploitation.

According to the Federal Police, there were 35 investigations conducted into cases involving trafficking of persons from January until June. Authorities arrested 14 individuals during the year for internal and international trafficking in persons in the following states: two from Sao Paulo, four from Ceara, six from Mato Grosso, and two from Goias. In one of those operations ("Operation Madrid"), the Federal Police arrested six persons from the states of Matto Grosso do Sul and Goias who were involved in an international organization and charged them with recruiting and trafficking women from the country into prostitution in Spain. The Public Ministry charged all six with the crimes of international trafficking and conspiracy for illegal purposes. At year's end the case was before the Mato Grosso Federal Court.

Trafficking victims were not treated as criminals, and police usually referred victims to centers for treatment and counseling. However, access to such services was limited due to a lack of government support, and efforts often were inconsistent and underfunded. The Government cooperated with a number of shelters or health care facilities specifically dedicated to trafficking victims, and workers at more than 600 victim assistance centers were trained to assist trafficking victims. The Secretariat of Social Assistance of the Ministry of Social Development and Combating Hunger operated more than 400 centers to assist victims of sexual abuse and exploitation and domestic violence. NGOs provided victims assistance in job training, counseling, and other community reintegration assistance. Locally based NGOs assisted trafficking victims with retraining and counseling activities. SEDH maintained a national witness protection system into which 17 states were integrated. The Federal Government invested 12 million reais (approximately \$5 million) into the witness program in 2007 and brought 630 individuals under its protection during the year.

SEDH conducted antitrafficking information campaigns. The National Secretary for Justice continued to lead a government public awareness campaign to deter international traffickers and sensitize their potential victims to the dangers. Sao Paulo and Pernambuco states and others carried out similar, statewide campaigns.

Labor organizations and NGOs continued to conduct prevention campaigns, including one case of pamphlet distribution to rural workers in areas that historically served as targets for traffickers, to supplement Federal Police and state civil police efforts.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the Federal Government effectively enforced these provisions. However, state governments failed to meet legally mandated targets for educational opportunities and work placement. While federal and state laws have provisions ensuring access to buildings for persons with disabilities, states did not have programs to enforce them effectively. For instance, while the Sao Paulo State labor code requires that meeting places for more than 100 persons or other facilities for 600 persons or more provide modified entrances and other accommodations for persons with dis-

abilities, such persons had continued difficulty in securing necessary accommodations.

The National Council for the Rights of Handicapped Persons and the National Council for the Rights of the Elderly, both within SEDH, have primary responsibility for promoting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Although the law prohibits racial discrimination, darker-skinned citizens, particularly Afro-Brazilians, frequently encountered discrimination.

The law specifically prohibits denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits, and provides jail terms for, the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets.

Afro-Brazilians, representing almost half the population, were significantly underrepresented in the Government, professional positions, and the middle and upper classes. They experienced a higher rate of unemployment and earned average wages approximately half those of a white person. There was also a sizeable racial education gap.

In February in a government report to the UN, SEDH acknowledged the existence of racism in the country but stated that the Government took and was taking affirmative actions to reduce it, including university admission quotas for Afro-descendants.

Major public universities in the Federal District and the states of Sao Paulo, Rio de Janeiro, Parana, Mato Grosso, Minas Gerais, Espirito Santo, and Bahia maintained affirmative action programs; for instance, the University of Brasilia set aside 25 percent of its first-year 2007 vacancies for self-declared students of color. According to a study from Rio de Janeiro Federal University released in January, approximately half of the public federal and state universities had a quota system or an exam bonus.

Indigenous People.—The law grants the indigenous population broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands. Although many problems existed, the Government made limited progress in securing these rights.

The National Indigenous Foundation (FUNAI) estimated that there were 460,000 indigenous persons in 225 societies on indigenous lands and an additional 100,000 to 190,000 indigenous persons living outside these areas, including in urban environments.

The Government estimated that more than half of the country's indigenous persons lived in poverty in communities whose traditional ways of life were threatened on a variety of fronts, including land development, agricultural expansion, and mining. FUNAI reported that indigenous persons also faced other problems, including disease, poor health care, and loss of native culture.

While the 1988 constitution charged the Federal Government with demarcating indigenous areas within five years, the four phases of the process (identification, declaration, approval, and registration) were not completed. According to the Indigenous Missionary Council (CIMI), some presidential efforts to demarcate indigenous areas were blocked. For example, legal actions resulted in the seizure of three of the 20 areas in Santa Catarina State that the president considered indigenous in 2007. According to CIMI the governors of Santa Catarina and Mato Grosso states and the former governor of Mato Grosso do Sul State were the primary opponents of demarcation.

The law provides indigenous persons with exclusive beneficial use of the soil, waters, and minerals on indigenous lands, but Congress must approve each case. The Government administers the lands but must consider the views of affected communities regarding their development or use, and communities have the right to "participate" in the benefits gained from such use. However, indigenous leaders and activists complained that indigenous persons had only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders.

Nonindigenous persons who illegally exploited indigenous lands for mining, logging, and agriculture often destroyed the environment and wildlife, spread disease, and provoked violent confrontations. FUNAI, which acknowledged insufficient resources to protect indigenous lands from encroachment, depended on the understaffed and poorly equipped Federal Police for law enforcement on indigenous lands.

Disputes between indigenous and nonindigenous persons occasionally erupted into violence. Most conflicts concerned land ownership or resource exploitation rights.

According to CIMI 53 indigenous persons were killed during the year, a 42 percent reduction from 2007. Of those killed, 40 were members of the Guarani-Kaiowa tribe in Mato Grosso do Sul State. Maranhao State had two deaths during the year, attributed to conflict between indigenous persons and illegal wood-extracting companies, compared with 10 in 2007.

During the year 34 members of the Guarani-Kaiowa tribe committed suicide. The Mato Grosso do Sul civil police investigation into the suicides was continuing at year's end.

A confrontation occurred in March in Roraima State when indigenous persons from the Raposa Serra do Sol reservation opposed Federal Police officers carrying out a court order to remove rice growers from the reservation. Police arrested the head of the rice producers and charged him with obstruction of justice and disobedience.

In May armed guards protecting a farmer's rice field reportedly shot and wounded 10 indigenous persons who were building their homes on the Raposa Serra do Sol reservation. The Government sent federal agents to the reservation to prevent further violence.

In October Federal Police officers, inspecting eviction-order areas, allegedly used excessive force in attempting to detain indigenous chief Rosival Ferreira da Silva of the Tupinamba community in Serra do Padeiro, Bahia State. They also reportedly detained and beat his brother.

At year's end there were no known developments in the police investigation of the July 2007 killing of indigenous leader Ortiz Lopes in Mato Grosso do Sul State.

In August members of the Xacriaba tribe in Miravania, Minas Gerais, met with representatives from the Federal Prosecutor's Office, the Federal Police, Minas Gerais Civil Police, and FUNAI to pursue their complaint concerning the September 2007 beating to death by two teenagers and an adult of a tribe member resulting from an argument after a party. The meeting followed a highway-blocking protest and two additional killings. The Minas Gerais State Court sentenced the teenagers to 45 days' home detention; trial of the adult, who was charged with murder by the state Public Ministry, was pending at year's end.

During the year civil society, the Government, and NGOs discussed infanticide in indigenous tribes. The number of such deaths was unknown, although a former FUNAI president estimated that 10 children were killed during the year in different tribes.

The precarious health situation of indigenous groups continued in many states. The Marsal de Souza Center of Human Rights continued to believe that the Guarani-Kaiowa group in Mato Grosso do Sul was at risk because they lived in very poor conditions in roadside tents. In Rondonia, Mato Grosso do Sul, and Maranhao states, indigenous persons complained of poor transportation for bringing doctors to communities and taking patients to hospitals.

In the 2007 case of the contested demarcation of the Raposa do Sol indigenous reserve in Roraima State, the Supreme Court initiated final judgment, but it was suspended when one judge requested more time. A final decision was pending at year's end, although eight of the 11 judges voted to uphold the Government's broad interpretation of indigenous land rights.

There were no known developments concerning the FUNAI proposal to transfer, and grant compensation by 2010 to, 2,000 families who refused to leave an area inside the indigenous reserve in Sao Felix de Xingu, in the southern part of Para State. There have been conflicts between the families and the Paracana tribe in that area.

In December 2007 the Tupiniguim and Guarani tribes, after invading the Portocel port in Aracruz, Espirito Santo, settled a dispute with the Aracruz Celulose Company concerning approximately 27,000 acres of land claimed as tribal. The settlement accord, mediated by FUNAI and the Ministry of Justice, allowed 600 families to remain on 11,000 acres of land. There was no updated information on the Tembe tribe's claim that ranchers, loggers, and other invaders had devastated more than 80 percent of their land.

In the late 2007 incident allegedly involving illegal miners extracting diamonds from the Roosevelt indigenous reserve in Rondonia State, authorities peacefully removed the miners without confrontation.

In September the Para State Federal Court reinstituted monthly payments of 650,000 reais (approximately \$260,000) that the Vale do Rio Doce Company (CVRD) must pay to Xikrin tribal groups, although a CVRD appeal was pending at year's end. FUNAI and the Public Ministry brought the civil case alleging that CVRD had not fulfilled an agreement regarding compensation for mining in areas close to the tribe's habitat.

The National Commission on Indigenous Policies was created in April and met at least three times during the year. Composed of representatives from indigenous tribes, civil society groups, and government entities such as the Office of the Presidency, FUNAI, and the Ministries of Mines and Energy, Agriculture, Environment, Justice, Education, Defense, and Planning, the commission began examining ways to improve government policies, improve the provision of health services to indigenous persons, and incorporate indigenous concerns into the Federal Government's anticrime plan (the National Program for Public Security with Citizenship).

According to the Ministry of Education, 20 state and federal universities continued to reserve entrance slots for indigenous persons. The number of indigenous university students, almost 5,000 or approximately 1 percent of total university students, remained unchanged.

Other Societal Abuses and Discrimination.—State and federal laws prohibit discrimination based on sexual orientation, and the federal and state governments generally enforced these laws.

Between January and September, the NGO Bahia Gay Group received 186 reports of killings in the country based on sexual orientation (122 male homosexuals, 58 transvestites, and six lesbians), an increase from the 116 such reports in all of 2007. The Northeast continued to be the most violent area against homosexuals, with Pernambuco State accounting for 14 percent of the cases reported.

The Federal Government's national program, "Brazil without Homophobia," was replicated at the local level in Rio de Janeiro. "Rio without Homophobia" was launched in October, providing assistance to the homosexual community through hot lines, professional counseling services, medical assistance, rights defense, and a witness protection program.

There were no reported cases of societal violence or discrimination based on persons with HIV/AIDS during the year.

Section 6. Worker Rights

a. The Right of Association.—The law provides for union representation of all workers (except members of the military, the uniformed police, and firefighters) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the MTE, which accepts the registration unless objections are filed by other unions. Unions that represent workers in the same geographical area and professional category may contest registration, in which case the MTE Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MTE does not register the union. Union organizers may challenge this decision in the labor courts.

The law stipulates certain restrictions, such as "unicidade" (one per city), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement and the International Trade Union Confederation criticized unicidade. While a number of competing unions existed, the MTE and the courts enforced unicidade in decisions regarding the registration of new unions.

In March the Government signed into law an act that extends legal recognition to trade union centrals that meet certain requirements regarding membership and regional representation. Such recognition allows qualifying centrals legally to represent workers in courts, public councils, and other bodies.

The Single Central Organization of Workers (CUT) estimated that 20 to 25 percent of workers were unionized. Most informal sector workers, including self-employed workers and those not formally registered with the MTE, fell outside the official union structure; they therefore did not enjoy union representation and usually were unable to exercise their labor rights fully. According to government statistics, the informal sector accounted for approximately 38 percent of the labor force. In the agricultural sector, 70 percent of workers were unregistered.

Intimidation and killings of rural labor union organizers and their agents continued to be a problem. The Catholic Church's Pastoral Land Commission reported that violence in rural areas victimized labor leaders, with most perpetrators enjoying impunity (See Section 1.a.).

On August 23, Transport Workers' Union leader Joinville Frota suffered an attempt on his life when his house in Amapa State was set afire, reportedly during a dispute between the union and two transport companies. In a previous attack on the union, its headquarters was also set on fire in April. At year's end no arrests had been made.

The law provides the right to strike to all workers except the armed forces, military police, and firefighters, and workers exercised this right in practice. While the civil police were allowed to form unions and conduct strikes, the military police were prohibited from organizing.

The law stipulates that a strike may be ruled “abusive” by labor courts and be punishable if a number of conditions are not met, such as maintaining essential services during a strike, notifying employers at least 48 hours before the beginning of a walkout, and ending a strike after a labor court decision. Employers may not hire substitute workers during a legal strike or fire workers for strike-related activity, provided that the strike is not ruled abusive. In practice employers fired strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge was often a protracted process.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was widespread in the formal sector. The law obliges unions to negotiate on behalf of all registered workers in the professional category and geographical area they represent, regardless of whether an employee pays voluntary membership dues to the union.

The law permits the Government to reject clauses of collective bargaining agreements that conflict with the orientation of government policy. The ILO Committee of Experts has called for this provision’s repeal. Collective bargaining is effectively prohibited in the public sector; the constitution allows it, but only after implementing legislation that has never been passed by Congress. By year’s end government-submitted legislation to implement collective bargaining as part of a labor reform package was awaiting congressional consideration.

The law prohibits the dismissal of employees who are candidates for or holders of union leadership positions and requires employers to reinstate workers fired for union activity; however, authorities at times did not effectively enforce laws protecting union members from discrimination. Labor courts charged with resolving these and other disputes involving unfair dismissal, working conditions, salary disputes, and other grievances were slow and cumbersome, averaging six years for resolution. Parties generally agreed that when ultimately resolved, cases were decided fairly and on their merits. There was a trend for courts to rule against employees, claiming that union membership was not a factor. Most complaints were resolved in the first hearing; however, the appeals process introduced many delays, and some cases remained unresolved for up to 10 years.

There are no special laws or exemptions from regular labor laws in the country’s free trade zones.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, forced labor and trafficking of workers occurred in many states, most commonly in activities such as forest clearing to provide cattle pastureland, logging, charcoal production, raising livestock, and agriculture, particularly harvesting sugarcane, coffee, and cotton. Forced labor typically involved young men drawn from the impoverished Northeast states—Maranhao, Piaui, Tocantins, Para, Goias, and Ceara—to work in the northern and central-western regions of the country. Women and children, the latter typically working with their parents, also were involved in forced labor activities such as the production of charcoal. The ILO estimated that there were approximately 25,000 forced labor workers at any given time during the year, with some NGOs estimating the number as high as 100,000 without supporting empirical data. According to the Federal Police, there were 306 investigations into forced labor from January until June.

Labor intermediaries trafficked most forced laborers to remote estates, where victims were forced to work in harsh conditions until they repaid inflated debts related to the costs of travel, tools, clothing, or food. Armed guards sometimes were used to retain laborers, but the remoteness of the location, confiscation of documents, and threats of legal action or physical harm usually were sufficient to prevent laborers from fleeing.

The law provides that violators of forced or compulsory labor may be sentenced up to eight years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting or transporting workers or obliging them to incur debt as part of a forced labor scheme. The abolition of forced labor was hindered by failure to impose effective penalties, the impunity of those responsible, delays in judicial procedure, and the absence of coordination between the various government bodies. There were few criminal prosecutions relating to forced labor because of the lack of a clear legal definition; local political pressure; weak coordination among the police, the judiciary, and prosecutors; the remoteness of areas in which forced labor was practiced; witnesses’ fear of retaliation; and police failure to conduct criminal investigations when accompanying labor inspectors on raids.

Violators of forced labor laws enjoyed virtual impunity from criminal prosecution, and no landowner has ever been convicted and imprisoned for using slave labor. The MTE punished those who used slave labor by imposing fines, requiring that indemnities be paid to the workers, and placing the names of violators on a “dirty list,”

which was published every six months on the Internet. The Ministry of National Integration vetoed financing to violators, the Bank of Brazil denied credit to landowners using forced labor, and some sectors of the economy refused to buy products from producers on the list. The Federal Labor Prosecutor's Office participated in inspections by receiving complaints and establishing fines that violators had to pay to receive financing and credit, sell products, have their accounts unfrozen, or obtain access to governmental loans.

In May the MTE released its "dirty list" of 207 employers in 14 states who used their workforce in conditions analogous to slave labor. Some challenged the list's constitutionality, since there is no way to clear oneself before a name is added, but at year's end no decision had been made. The Senate's Human Rights Committee approved a law that prohibits granting credit to persons or companies on the "dirty list."

During the year the MTE's Mobile Inspection Unit freed 5,244 forced laborers in 154 operations on 290 properties. Payments of indemnities to the workers totaled approximately 9 million reais (\$3.6 million).

On September 17, federal labor inspectors, assisted by federal police, highway police, and prosecutors, freed 150 workers, including more than 30 children, found working under forced labor and degrading conditions at a cacao plantation in Placas, Para. The workers had been unable to leave because of debts owed to the employer for food, other basic necessities, and tools required for work. Workers also reported that they were threatened with death if they tried to leave. MTE inspectors estimated that the employer owed workers approximately 1.4 million reais (\$560,000) in back wages. At year's end a federal labor court was determining civil penalties and fines.

At year's end the MTE was deciding penalties to apply in a December 2006 case in which landowners in Goiás State were arrested on suspicion of labor abuse and environmental crimes in making charcoal from illegally felled timber from protected areas.

The National Commission to Eradicate Slave Labor coordinated the Government's efforts to eliminate forced labor. The MTE's enforcement arm, the Special Group for Mobile Inspection, had responsibility for locating and freeing victims of forced labor. The mobile unit worked in conjunction with federal police officers, who accompanied labor inspectors on raids to provide protection. Mobile teams levied fines on estate owners using forced labor and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. Although mobile units enjoyed some success in freeing those working in slave-like conditions, inspectors sometimes faced resistance.

The National Pact for the Eradication of Slave Labor included more than 100 companies and NGOs with a public commitment to restrict economic relations with anyone who uses slave labor. The NGOs Social Observatory Institute, ETHOS Institute, and Reporter Brasil monitored the actions to combat forced labor implemented by those who signed the pact.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although child labor is prohibited, it continued to be a widespread problem, particularly in homes and the informal sector. The executive secretary of the National Forum for the Eradication and Prevention of Child Labor (FNPETI) stated in March that the fight against child labor in the country was stagnant.

The minimum working age is 16 years, and apprenticeships may begin at age 14. The law bars all minors under age 18 from work that constitutes a physical strain or that occurs in nocturnal, unhealthy, dangerous, or morally harmful conditions; however, authorities rarely enforced additional legal restrictions intended to protect working minors under age 18. The law requires parental permission for minors to work as apprentices, and apprentices must attend school through the primary grades. Inspectors may punish violators of child labor laws by drawing up infringement assessments and issuing fines.

Data from the Government's Economic Research Institute showed that in 2007 there were 2.5 million children between the ages of five and 15 working in the country's economy, compared with 2.7 million in 2006.

Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. Slightly more than half of child laborers worked in rural areas, and two-thirds were boys. The ILO estimated that approximately 20 percent of 10- to 14-year-old girls worked as household domestics. Most of these workers received less than half the minimum wage and worked in excess of 40 hours a week.

The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. For instance, children who produced charcoal, sisal, sugar-

cane, and footwear suffered from dismemberments, gastrointestinal disease, lacerations, blindness, and burns caused by applying chemical products with inadequate protection. According to an IBGE study, there were 273,000 labor accidents reported involving child labor in 2006.

The MTE was responsible for inspecting worksites to enforce child labor laws; its regional offices had special groups to enforce child labor laws, principally by gathering data and developing plans for child labor inspection. Nonetheless, most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Labor inspectors continued to prioritize inspections in the informal sector, but they remained unable to enter private homes and farms, where much of the nation's child labor was found. The MTE reported that from January to November, inspectors found 5,139 children under 16 working illegally, an approximately 35 percent decrease when compared with 2007. In most cases inspectors reportedly attempted to reach agreements and convince employers to desist from labor law violations before levying fines of 402 reais (approximately \$150) per violation up to a maximum fine of 2,013 reais (\$800); for a second or third violation, the fine doubles or triples respectively. In practice few employers were fined for employing children.

The Government implemented programs to prevent child labor, including the Program to Eradicate Child Labor (PETI), coordinated by the Ministry of Social Development and Combating Hunger with state and local authorities. Through PETI, families with children seven to 15 years of age working in selected hazardous activities receive monthly cash stipends to keep their children in school, and the children may participate in after-school programs that provide nutritional snacks, sports, art, and cultural activities. The Government, through the Social Development Ministry, expanded the Bolsa Familia program (to provide a monthly stipend to low-income families who keep their children in school and meet certain health requirements) by raising the upper age limit for eligibility from 15 to 17 years.

NGOs supported the Government's child labor elimination programs. The Centers for the Defense of Children and Adolescents were active in many parts of the country and reported violations of children's rights to the guardianship councils, the social assistance network, and the organizations that defended children and family rights.

Civil society also took actions to prevent and abolish child labor. The nongovernmental FNPETI, which includes governmental and civil society representatives, mobilized institutional agents involved in developing policies and programs to eliminate child labor. The toy industry's Foundation for Children's Rights operated a labeling program that identified companies with child-friendly policies and a commitment to eliminate child labor. All major labor organizations had programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

e. Acceptable Conditions of Work.—The Government adjusts the minimum wage annually and in April raised it to 415 reais (approximately \$248) per month. IBGE estimated that approximately 25.6 percent of workers earned the minimum wage or less. The national minimum wage did not provide a decent standard of living for a worker and family.

The law limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also prohibits excessive compulsory overtime and stipulates that hours worked above the weekly limit must be compensated at time-and-a-half pay; these provisions generally were enforced in the formal sector.

The MTE sets occupational, health, and safety standards that are consistent with internationally recognized norms. MTE labor inspectors worked closely with prosecutors from the Federal Labor Prosecutor's Office, an independent agency responsible for prosecuting labor infractions. However, the Government devoted insufficient resources for adequate inspection and enforcement of standards.

Unsafe working conditions were prevalent throughout the country. There were no figures available on workplace accidents during the year. According to data from the Ministry of Social Security, the Government granted benefits to 11,538 persons for work-related accidents during the year. Employees or their unions may file claims related to worker safety with regional labor courts, although this was frequently a protracted process.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings occurred, and legal recourse usually required years for a resolution. The Federal Prosecutor's Labor Office reported that numerous firms used computerized records to compile "black lists"

identifying workers who had filed claims in labor courts. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions, but workers could express such concerns to a company committee for an immediate investigation.

CANADA

Canada, with a population of 33.1 million, is a constitutional monarchy with a federal parliamentary form of government. In a free and fair multiparty federal election held on October 14, the Conservative Party, led by Stephen Harper, won a plurality of seats and formed a second successive minority government. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. Human rights problems included harassment of religious minorities, violence against women, and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings, but a few law enforcement-related deaths during the year remained under investigation.

On three reported occasions, police employed taser weapons with lethal effect. On June 23, Jeffrey Mark Marreel died at Turkey Point in Ontario after provincial police used a taser to subdue him. On July 22, Michael Langan died in Winnipeg, Manitoba, after police stunned him with a taser weapon. On September 17, Sean Reilly of Brampton, Ontario, died after he was tasered during a struggle with Peel regional police officers. In each case, authorities launched an investigation into the incident that was ongoing at year's end.

Also at year's end, authorities were investigating the shooting and killing by Peel Regional Police of Gregg Moynagh, a reportedly mentally ill man from Mississauga, Ontario, during an altercation in December.

On December 12, after concluding there was no substantial likelihood of conviction, the British Columbia government declined to lay criminal charges against four police officers in the October 2007 taser death of Robert Dziekanski at Vancouver International Airport. The first phase of a public inquiry, whose interim report was pending at year's end, studied taser weapon use; a second phase, inquiring into the death, was expected to begin in January 2009.

Police completed an internal review of the 2006 death of Jason Doan of Red Deer, Alberta, after he was stunned by police with a taser, but they did not release the results. In December provincial authorities held a public inquiry into the death; a report was expected in 2009.

On June 18, the Commission of Public Complaints against the Royal Canadian Mounted Police (RCMP) released its final report on taser use. Its recommendations included reclassifying tasers as "impact weapons" for use only with suspects who are combative or pose a risk of causing death or grievous bodily harm, issuing tasers only to experienced officers, and improving accountability of their use. An RCMP review of the recommendations was ongoing at year's end.

In December Vancouver police announced the withdrawal of older-model tasers from service following reports that some pre-2005 devices exceeded manufacturer's voltage specifications. Police in Quebec, New Brunswick, Alberta, and British Columbia also announced plans to test and phase out older tasers.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the RCMP and provincial and municipal police forces, and the Gov-

ernment has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Authorities generally apprehended persons openly with warrants. A judge may issue a warrant after being satisfied that a criminal offense may have been committed. A person arrested for a criminal offense has the right to a prompt, independent, judicial determination of the legality of the detention; and authorities respected this right in practice. Authorities provided detainees with timely information as to the reason for the arrest; ensured prompt access to a lawyer of the detainees' choice and, if indigent, to one provided by the state; and granted prompt access to family members. Bail generally was available.

On February 12, Parliament passed amended immigration security certificate legislation giving noncitizens subject to detention and deportation on national security grounds greater access to evidence against them and extending to them the same detention review rights as permanent residents. As in the original law, the Government issues certificates on the basis of confidential evidence presented to two cabinet ministers by intelligence or police agencies and reviewed by a Federal Court judge. The evidence is not shown to the detainee. If the judge approves the ministers' recommendation, the individual may be imprisoned pending deportation proceedings.

However, under the revised law that entered into force on February 23, individuals subject to a security certificate also have access to court-appointed, security-cleared lawyers ("special advocates") who have access to sensitive national security evidence and can challenge the relevance, reliability, and weight of such information. The legislation also establishes stricter rules on disclosure and the use of secret evidence, prohibits the use of evidence if there are reasonable grounds to believe authorities obtained it as a result of torture, and provides new avenues for review and appeal. The law addressed a February 2007 Supreme Court ruling that defendants have the right to know the evidence against them and that indefinite detention without review is arbitrary.

The legislation required the Government to resubmit applications for all security certificates to the Federal Court. The Government re-submitted five applications and dropped one. At year's end all five applications remained pending, with one individual incarcerated and four conditionally released pending deportation.

On August 15, the Quebec Superior Court upheld an appeal arguing that a judge illegally issued warrants to Montreal police to raid media outlets in pursuit of pictures and video footage of an April 21 riot after a National Hockey League game. The Superior Court ruled that neither the police nor the authorizing judge had taken into account the tension between media freedom and the administration of justice, and ordered the Montreal police to return to the media all materials that remained sealed.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trial Procedures.—The judicial system is based on English common law at the federal level as well as in most provinces. In Quebec, civil law is derived from the Napoleonic Code; however, criminal law is the same nationwide. The Government appoints the judges. Trials are public, and defendants have a right to have their case heard before a judge alone or, for more serious cases, before a judge and jury. Defendants have the right to be present and to consult with an attorney in a timely manner. The Government provides an attorney at public expense if needed when defendants face serious criminal charges, and defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys generally have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a right of appeal.

On April 3, the Supreme Court declined to hear an appeal of a December 2007 Federal Court of Appeal ruling that withholding sensitive national security information from defendants in national security cases did not necessarily infringe on the right to a fair trial. The judgment occurred in the context of charges against Momim Khawaja, the first person to be convicted under the Anti-Terrorism Act.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Remedies can be monetary, declaratory, or injunctive. There were few problems enforcing domestic court orders. Although alleged human

rights violations may also be heard by provincial or federal human rights commissions, these bodies follow their own differing standards and procedures.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism. The independent media were active and expressed a wide variety of views.

The Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. It also has ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms, the country's constitutional bill of rights. Provincial-level film censorship, broadcast licensing procedures, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography also impose some restrictions on the media.

Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court has set a high threshold for such cases, specifying that these acts must be proven to be willful and public. Laws prohibit speech or programming containing any abusive comment that would expose individuals or groups to hatred or contempt and empower the federal Canadian Human Rights Commission (CHRC) and the federal Canadian Human Rights Tribunal to enforce the law in areas of federal jurisdiction. In addition, each province has its own human rights code.

Advocates of freedom of speech and press called for limits on federal and provincial human rights commission powers, notably by reforming or eliminating part of the federal Human Rights Act. Some observers criticized the requirement that commissions process all complaints received as well as the procedures that permit commissions to investigate and also adjudicate complaints. Some also were critical of the filing of identical complaints with several provincial commissions, each of which may adjudicate without attention to others. In 2007 for example, the Canadian Islamic Congress filed complaints against Maclean's magazine with the Ontario and British Columbia human rights commissions and the CHRC, claiming that some of the magazine's articles, especially an excerpt from *America Alone* by Mark Steyn, were anti-Islamic. During the year all three commissions dismissed the complaints.

On May 30, the Alberta Human Rights and Citizenship Commission ordered Rev. Stephen Boissoin and the Concerned Christian Coalition to cease making disparaging comments about homosexuals, pay a Cdn\$7000 (approximately \$6,570) fine, and publish an apology. At year's end Boissoin's appeal to the Alberta provincial court was pending.

In July and December respectively, the CHRC dismissed complaints against Catholic Insight magazine for allegedly promoting hatred of homosexuals and against Muslim cleric Abou Hammad Sulaiman Dameus al-Hayiti for his book attacking homosexuals, Jews, and Christians.

On August 1, the Alberta Human Rights and Citizenship Commission dismissed a complaint by the Edmonton Council of Muslim Communities against journalist Ezra Levant for republishing Danish cartoons depicting the Prophet Muhammad.

On January 14, the Saskatchewan Court of Appeal upheld a 2006 provincial court ruling that ordered a re-trial of a former leader of the Assembly of First Nations, who was convicted in 2005 of willfully promoting hatred against Jews under the hate propaganda provisions of the law. The re-trial began November 24, and a verdict was expected in February 2009.

Internet Freedom.—There were no government restrictions on access to the Internet and no reports of government monitoring e-mail. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was readily available and widely used. The International Telecommunication Union reported that there were 76 Internet users per 100 inhabitants in 2007.

The CHRC investigates complaints about hate messages on Web sites and may forward cases to the Canadian Human Rights Tribunal for action.

On June 17, the CHRC launched a policy review concerning hate messages on the Internet and commissioned an independent, nonbinding report. The November 24

report recommended repeal of the federal Human Rights Act section dealing with hate speech; proposed the prosecution of hate complaints exclusively by courts under the criminal code; and proposed restriction of the federal definition of hate speech to extreme expression that advocates, threatens, or justifies violence. The report also recommended that, if the CHRC retains jurisdiction over hate speech, its authority should be limited to the most extreme instances of discriminatory expression. At year's end the CHRC expected to provide its findings and public consultation results to Parliament by mid-2009.

Concerns arose from allegations that the CHRC monitored Internet chat rooms and improperly posted comments therein. While the CHRC held hearings that continued at year's end on a complaint that accused Marc Lemire, former president of a white supremacist organization, of disseminating hate speech on his Web site, Lemire filed complaints with the Ottawa police and the RCMP alleging illegal CHRC staff investigative techniques including hacking into a private citizen's Internet account. The RCMP and the Privacy Commissioner investigated these complaints; the RCMP ended its investigation on November 27 without filing criminal charges.

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

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

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

On May 20, the Supreme Court heard the case of a teenage member of the Jehovah's Witnesses whom Manitoba child-protection officials ordered in 2006 to submit to a medically necessary blood transfusion. The complainant argued that the transfusion violated her constitutional rights to security of the person and religious freedom; she asked the court to strike down the provincial child-protection law. The court's ruling was pending at year's end.

Societal Abuses and Discrimination.—There were a number of reports of harassment of religious minorities, which the Government investigated and punished under laws and regulations that seek to protect religious freedom and counter hate and bias activity. In June the Government statistical agency reported that 27 percent of the 892 reports of hate-motivated crime the police received in 2006 had religious motivations.

Approximately 1.1 percent of the population was Jewish. The B'nai Brith Canada League for Human Rights received 1,042 reports of anti-Semitic incidents in 2007, an 11.4 percent increase from 2006. The greatest number of reports came from Ontario Province (582 incidents, 427 of which took place in the Greater Toronto area), followed by Quebec Province (291 incidents, 249 of which took place in Montreal)—the two provinces where approximately 80 percent of the country's Jewish population resided. The 1,042 reports included 699 cases of harassment, 315 cases of vandalism, and 28 cases of violence; 169 cases involved attacks on synagogues, Jewish homes, community centers, or cemeteries. Jewish students reported 78 cases of anti-Semitic incidents that occurred on university campuses in 2007, compared with 36 in 2006; another 82 involved primary and secondary school settings, compared with 54 in 2006. B'nai Brith also received 310 reports of Web-based hate activity.

In February police charged two men for painting anti-Semitic and racist graffiti on property throughout a neighborhood in Saskatoon, Saskatchewan. There were no further developments in the case at year's end.

In late March and early April in the Toronto area, vandals drew swastikas and/or spray painted anti-Semitic messages on apartment building stairway walls, a library, and the house exteriors in two home developments. In June in Kelowna, British Columbia, vandals similarly defaced a Jewish community center and elementary school.

On July 31, vandals scrawled an anti-Semitic message and eight swastikas on a Canadian Museum for Human Rights billboard. Winnipeg police investigated the incident as a hate crime, and there were no further developments at year's end.

In November Quebec police arrested four individuals in connection with the August 16 assault of a Hassidic Jew walking to a synagogue in St. Agathe, Quebec, and the vandalism of vehicles.

In November authorities sentenced an individual, who had pled guilty to four counts of damaging and threatening to damage property by firebombing a Jewish boys' school and other targets in Montreal in 2006, to four years in prison with three

subsequent years of probation. The trial of a second individual in the same case had not begun by year's end.

On September 18, a Quebec court found a woman guilty of being an accessory after the fact in the 2004 firebombing of a Montreal Jewish school and later sentenced her to 12 months probation.

Approximately 1.9 percent of the population was Muslim. On March 17, a transportation company suspended a Toronto area bus driver for a week without pay after he refused to remove his kufi, a Muslim religious head cap, while on the job. The company alleged that the headgear violated the employee dress code but subsequently reversed its decision, allowing the man to return to work and offering him compensation for lost wages.

There were no known developments in the investigations of the 2006 incidents of an imam physically threatened outside a Montreal mosque, property damage to an Ontario mosque, and an attack on an Islamic school in Ottawa.

In March two Sikh men filed a complaint with the British Columbia Human Rights Tribunal against their employer, alleging that the forestry company failed to consider their religious obligation to wear a turban when it required them to wear hard hats and suspended them for not doing so in 2007. At year's end the tribunal decision was pending.

The CHRC is responsible for information programs to foster public understanding of the Canadian Human Rights Act. Provincial human rights commissions and tribunals perform similar functions for activities not under federal regulation. Four provinces (Newfoundland, Nova Scotia, Prince Edward Island, and New Brunswick) officially recognize Holocaust Remembrance Day, and every province conducts a remembrance ceremony.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

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

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

In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened. The Government offered alternatives to refugee claimants whose cases were refused by the Immigration and Refugee Board. The option for judicial review through the Federal Court exists. Two other remedies of last resort are available through the Department of Citizenship and Immigration, including a "pre-removal risk assessment" as well as an appeal to the minister of citizenship and immigration for a waiver based on humanitarian and compassionate grounds.

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

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

Elections and Political Participation.—In the free and fair multiparty federal general election on October 14, the Conservative Party won the largest number of seats in Parliament and formed its second successive minority government. On December 4, at the prime minister's request in order to avoid a vote of confidence that the Government would likely have lost, the governor-general prorogued (suspended) parliament until January 26, 2009. Political parties operated without restriction or outside interference.

There were 68 women and five indigenous people in the 308-member House of Commons after the October election. There were 35 women and seven indigenous people in the 105-seat Senate (whose members are appointed by the Government). Women held five seats in the 27-member cabinet before the October election, and 11 in the new 38-member cabinet. The governor-general and four of the nine members of the Supreme Court, including the chief justice, were women.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally enforced these laws effectively. There were isolated reports of government corruption during the year. The Federal Accountability Act provides for transparency and accountability in government and created the Office of the Public Sector Integrity Commissioner to report annually on allegations of corruption. In May the commissioner reported no incidents of wrongdoing in her first annual report.

A conflict of interest and ethics commissioner administers the conflict of interest code for members of the House of Commons, as well as the Conflict of Interest Act in relation to public office holders. Public officials are not subject to financial disclosure laws for personal assets.

The law permits public access to government information, and the Government in practice granted access for citizens and noncitizens, including foreign media. The Government released quarterly information on the public expenditures of senior government officials and also published expense information on individual ministerial Web sites and on a centralized Web site.

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

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

In October the Government released a report of the judicial review findings on the role, if any, that officials may have played in relation to the detention and alleged torture in Syria and/or Egypt of three Muslim dual-national Canadians suspected of links to terrorism. The report found that the detentions of two of the individuals resulted indirectly from specific information-sharing actions by government officials. The report also found that the three “suffered mistreatment amounting to torture” which likely resulted indirectly from the information-sharing actions of government officials. However, it declined to assign blame, stating that officials had “conscientiously” carried out their duties.

On May 23, in the case of Omar Khadr (a citizen detained at Guantanamo), the Supreme Court determined (a) that government officials acted improperly in sharing information, obtained from interviews of him in 2003 and 2004, with foreign officials and (b) that the sharing process violated the country’s international obligations. The Court ordered as a remedy that Khadr’s defense team be given access to all records of interviews conducted, after review by the Federal Court.

Proceedings continued against Desire Munyaneza, a Rwandan national who entered the country in 1997 claiming refugee status, for war crimes allegedly committed during the 1994 Rwandan genocide. The outcome of the trial, the first under the country’s Crimes against Humanity and War Crimes Act, remained pending at year’s end.

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

The law provides for equal benefits and protection of the law regardless of race, gender, national or ethnic origin, age, language, social status, or disability; the Government effectively enforced these provisions.

Women.—Although prohibited by law, rape and violence against women, including spousal rape and abuse, remained a problem. The Government’s statistical office reported there were 65 sexual assaults per 100,000 persons in 2007, down from 68 in 2006.

The law prohibits domestic violence. Although the criminal code does not define specific domestic violence offenses, an abuser can be charged with an applicable offense, such as assault, intimidation, mischief, or sexual assault. Persons convicted of assault may be penalized with up to five years in prison. Assaults involving weapons, threats, injuries, or endangerment of life carry prison sentences up to 14 years. Sexual abuse may be penalized with up to 10 years in prison. Sexual assaults involving weapons, threats, injuries, or endangerment of life carry sentences up to life imprisonment.

Indigenous (aboriginal) people were more than three times more likely to be victims of spousal violence than nonindigenous people.

The federal statistical agency reported there were 553 shelters for abused women; the shelters provided both emergency care and long-term assistance. The Government’s family violence initiative involved 12 departments and a cabinet ministry—Status of Women Canada. These entities worked to eliminate systemic violence against women and advance women’s human rights.

The Amnesty International 2008 Report noted continuing high levels of discrimination and violence against indigenous women and criticized officials for failing to advance a national strategy. Amnesty's October 1 submission to the UN Committee on the Elimination of Discrimination against Women drew attention to human rights violations allegedly experienced by indigenous and refugee/migrant women as well as women in federal prisons.

Adult prostitution is not illegal, but the law prohibits pimping (benefiting from the earnings of prostitution of another); operating, being found in, or working in a brothel; and communicating in a public place for the purpose of engaging in prostitution.

The law does not contain a specific offense of "sexual harassment" but criminalizes harassment (stalking), punishable by up to 10 years' imprisonment, and sexual assault, with penalties ranging from 10 years for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. The Government generally enforced these prohibitions. Most harassment cases were settled out of court.

Women were well-represented in the labor force, including business and the professions, and did not experience economic discrimination. According to Statistics Canada, 59 percent of women age 15 and older were employed in the workforce in 2007. Employment equity laws and regulations cover federal employees in all but the security and defense services. Women have marriage and property rights, as well as rights in the judicial system, equal to those of men.

Children.—The Government demonstrated its commitment to children's rights and welfare through well-funded systems of public education and medical care. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

In February Quebec police arrested two citizens on charges of abusing children in an orphanage in Haiti in 2006–2007. Both pled guilty to sexual assault and were convicted in November.

Police data in 2006 showed that children and youth were most likely to be physically or sexually assaulted by someone they know. A family violence study by the federal statistical agency reported that, for every 100,000 young persons included in the study in 2006, 334 were victims of physical or sexual violence by a friend or acquaintance, 187 suffered violence by a family member, and 101 were victimized by a stranger. The rate of physical assault by a parent was more than three times higher than the rate of sexual assault (83 compared with 24 victims per 100,000 children and youth). Sixty percent of homicides against children were committed by family members. Approximately 40 percent of child and youth victims of family violence sustained a physical injury, although the majority of injuries required no professional medical treatment.

Trafficking in Persons.—Although the law prohibits all forms of trafficking in persons, there were reports that persons were trafficked to, through, and, occasionally, within the country.

The country is a source, transit point, and destination for men, women, and children trafficked for the purposes of labor and sexual exploitation. Nongovernmental organizations (NGOs) estimated that 2,000 persons were trafficked into the country annually, while the RCMP estimated only 600 to 800 persons, with an additional 1,500 to 2,200 persons trafficked through the country into the United States. Many victims were Asians and Eastern Europeans, but a significant number also came from Africa, Latin America, and the Caribbean. Women and children were trafficked for sexual exploitation; on a lesser scale, men, women, and children were trafficked for forced labor. Some girls and women, most of whom were aboriginal, were trafficked internally for commercial sexual exploitation.

Vancouver and Toronto served as hubs for organized crime groups trafficking in persons, including for prostitution. East Asian crime groups targeted the country, Vancouver in particular, to exploit immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

The law criminalizes trafficking in persons and prohibits global and internal trafficking in persons, benefiting economically from trafficking in persons, and withholding or destroying documents to facilitate trafficking in persons. The Immigration and Refugee Protection Act establishes criminal penalties of up to life in prison and fines of up to one million Canadian dollars (approximately \$938,000) for convicted cross-border traffickers. The Government prosecutes all forms of human trafficking, including forced labor, in addition to trafficking related acts such as kidnapping, forcible confinement, uttering threats, sexual assault, prostitution-related crimes, and extortion. The law also permits domestic prosecution of citizens and residents who engage in illegal sexual activity with children overseas.

During the year the country marked its first convictions under criminal code amendments enacted in 2005 to provide explicit trafficking in persons offenses. In June the Ontario Court of Justice sentenced a man to five years in prison for trafficking and for living on the avails of prostitution of a minor. In December the Ontario court sentenced a second man to three years for trafficking offenses. In addition, according to the Department of Justice, a Quebec court convicted an individual of trafficking offenses.

The Government has an interdepartmental working group consisting of 17 departments and agencies and co-chaired by senior officials from the Departments of Justice and Public Safety to combat trafficking in persons.

Through agencies such as Interpol, the Government assisted other countries with criminal investigations of trafficking cases and cooperated with law enforcement authorities in neighboring and source countries.

Officials may grant a temporary residence permit of 180 days (or longer, in special meritorious cases) to provide a reflection period for the victim and an investigative window for law enforcement to determine whether there is enough evidence to pursue a trafficking case. During this 180-day period, immigration officials determine whether a longer residency period of up to three years may be warranted. Nonetheless, NGOs reported anecdotal evidence that some victims of trafficking were arrested and deported. The RCMP conducted a law enforcement training program to sensitize officers to trafficking realities, help identify potential trafficking victims, and provide information about implementing the new guidelines.

In addition to legal status under a temporary residence permit, trafficking victims have access to federally funded emergency medical services and programs such as legal assistance; they may also apply for assistance from victim assistance funds maintained by provincial governments.

In January the Government dedicated six million Canadian dollars (approximately \$5.6 million) to preventing the sexual exploitation and trafficking of children. The initiative included a national awareness campaign and a 24-hour hot line. The Government also provided two million Canadian dollars (approximately \$1.9 million) to a national charitable organization to pursue public leads about suspected child predators on the Internet.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced these prohibitions. The Government effectively implemented laws mandating access to buildings for persons with disabilities.

The federal, provincial, and territorial governments share responsibility for protecting the rights of persons with disabilities. The Office for Disability Issues, the Federal Government's focal point, funded a range of programs, including programs to enable participation of persons with disabilities in the workforce.

National/Racial/Ethnic Minorities.—The Charter of Rights and Freedoms protects the linguistic and cultural rights of minorities and establishes English and French as the country's two official languages. Despite the federal policy of bilingualism, native English speakers in Quebec (5.7 percent of the province's population in 2006) and French speakers in other parts of the country generally lived and worked in the language of the majority. Provinces may grant French or English the status of an official language, but only New Brunswick has granted the two languages equal status.

The Charter of the French Language in Quebec makes French the official language of the province; requires the use of French in commerce, the workplace, education, and government; and protects minority language rights. The Charter also restricts access to publicly funded English-language education to children who have received or are receiving elementary or secondary instruction in English and whose parents are Canadian citizens, and to students who are temporary residents in the province or have serious learning disabilities and who have obtained a waiver.

In January the police of York Region confirmed they had brought charges in five of six alleged racially motivated assaults on Asian recreational fishermen that took place in the Lake Simcoe area in 2007. The trials had not concluded by year's end. In May a separate Ontario Human Rights Commission investigation concluded that these assaults were racially motivated but not hate crimes.

In January the Quebec Human Rights and Youth Commission ruled that three teenagers were victims of racial profiling when police ticketed them for sitting in front of a low-cost housing complex. Also in January the commission ruled that a Tunisian girl was a victim of racial profiling when police ticketed and handcuffed

her for refusing to stop sitting behind the housing project where she lived. Police ticketed the girl's mother as well. In each case the commission made a nonbinding recommendation that the city of Montreal pay damages; the mayor indicated that the city did not intend to do so.

In July the Quebec Human Rights and Youth Commission ruled that two police officers pulled their weapons on, and made racially motivated comments toward, three black persons, mistakenly assuming they were stealing boxes from a garage when in fact one of them owned the house. The Commission made nonbinding recommendations that the city of Montreal and the police officers pay damages, which the city declined to do.

In August riots broke out in Montreal after a policeman shot and killed a teenage immigrant from Honduras. The rioters alleged that police targeted minorities and employed racial profiling. An official investigation determined on December 1 that no criminal charges would be brought against the policeman, and Quebec authorities ordered a public inquiry into the shooting to begin in February 2009.

Indigenous People.—The law recognizes three different groups of indigenous (also known as aboriginal) people: Indians (generally called First Nations), Inuit (formerly called Eskimos), and Metis (persons of mixed Indian-European ancestry). According to the 2006 census, indigenous people constituted approximately 4 percent of the national population and higher percentages in the country's three territories: Yukon, 25 percent; Northwest Territories, 50 percent; and Nunavut, 85 percent. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged harassment by police continued to be sources of tension. Indigenous people remained underrepresented in the workforce, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other groups.

The law recognizes and specifically protects indigenous rights, including those established by historical land claims settlements. Treaties with indigenous groups form the basis for the Government's policies in the eastern part of the country, but there were legal challenges to the Government's interpretation of treaty rights. Indigenous groups in the west that never signed treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result, the evolution of the Government's policy toward indigenous rights, particularly land claims, frequently depended on legal challenges, including 45 Supreme Court decisions.

In February the Government passed legislation implementing the Nunavik Inuit Land Claims Agreement Act. The law, which resolved the last major Inuit land claim in the country, provides for the establishment of an Inuit-controlled regional government, accountable to Quebec's National Assembly, to administer the region of Quebec above the 55th parallel. The Quebec Inuit and federal and Quebec governments signed an agreement in principle (AIP) to create the Nunavik Regional Government or Nunavimmiut Aquuvvinga in December 2007. The AIP must be ratified by the Nunavik population and the federal and Quebec governments and remained pending at year's end.

In June the Federal Government passed legislation establishing a new independent Specific Claims Tribunal to bring greater fairness to the handling of aboriginal land claims and to accelerate their resolution. The tribunal is to make binding decisions on cases that are rejected for negotiations, or where negotiations fail, on claims up to Cdn\$150 million (approximately \$140 million). Composed of six provincial superior court judges whom the Federal Government selected in consultation with the aboriginal Assembly of First Nations, the tribunal began work in October.

In June the Federal Government passed legislation implementing the Tsawwassen First Nation Final Agreement. The Agreement granted jurisdiction over approximately 1,790 acres of coastal British Columbia to the Tsawwassen First Nation, including control over tax policy, land management, fisheries, wildlife, migratory birds, parks, culture and heritage, and governance.

Also in June the Government passed legislation extending legal protection from discrimination under the Canadian Human Rights Act to aboriginal people. They were previously prohibited from filing human rights complaints against authorities subject to the Indian Act. Full protection under the Human Rights Act is to be phased in over a three-year transitional period.

On June 11, the Prime Minister formally apologized to former students of Indian residential schools for abuse suffered and for the negative consequences of the residential system on native communities. The apology followed a two billion Canadian dollar (approximately \$1.8 billion) settlement in 2006 between the Federal Government and former students. As pledged, the Government also created the Indian Res-

idential Schools Truth and Reconciliation Commission, which had not begun work at year's end.

In March the Mi'kmaq of Newfoundland and Labrador ratified a 2007 AIP with the Federal Government that extended to them formal aboriginal status and access to federal programs and services for status Indians. On August 13, the Federal Government and Mi'kmaq signed a final agreement to conclude the settlement.

On September 8, the Haudenosaunee/Six Nations rejected a Cdn\$26 million (approximately \$24 million) federal offer to settle one of four claims included in a 2007 Cdn\$125 million (approximately \$117 million) land settlement package. The dispute site has been occupied since 2006, and the status of the 2007 offer remained uncertain at year's end.

The 2006–07 report of the federal corrections ombudsman charged that a disproportionate number of aboriginal prisoners were in maximum-security penitentiaries and segregation and spent longer in jail than nonnative prisoners. Aboriginal people accounted for 18.5 percent of the total federal prison population. Aboriginal women accounted for 32 percent of the female federal penitentiary population. The ombudsman attributed a higher rate of recidivism in part to the Correctional Service's failure to manage aboriginal inmates in a culturally responsive and nondiscriminatory manner and to lack of access to reintegration programs following release. The report recommended that the Correctional Service appoint a deputy commissioner for aboriginal offenders and re-establish a national aboriginal advisory committee, neither of which was accomplished by year's end.

The Government continued the process of claim settlements and self-government negotiations with more than 350 First Nations communities.

Other Societal Abuses and Discrimination.—There were rare reports of societal violence or discrimination based on sexual orientation. The law prohibits discrimination based on sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. The law extends equal access to civil marriage to same-sex couples.

On November 25, a Saskatchewan marriage commissioner filed suit against the provincial government over a requirement to perform same-sex marriages. In May the Saskatchewan Human Rights Tribunal had ruled that the marriage commissioner had discriminated against a gay couple when he declined to perform their same-sex ceremony on the ground that it conflicted with his religious beliefs. The tribunal had fined the commissioner. In his suit, the commissioner argued the law violated his Charter right to freedom of religion.

In August police in Peel, Ontario, created a telephone hot line for hate crimes against gay, lesbian, bisexual, and transgendered people.

There were no known reports of societal violence or discrimination against persons with HIV/AIDS. The criminal code provides penalties for violence against individuals. Courts generally interpreted prohibitions against discrimination on the basis of disability in federal and provincial human rights statutes to include discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers in both the public (except armed forces and police) and the private sectors to form and join unions of their choice without previous authorization, and workers did so in practice.

All workers, except for those in the public sector who provide essential services, have the right to strike, and workers exercised this right in practice. Workers in essential services had recourse to binding arbitration if labor negotiations failed. The law prohibits employer retribution against strikers and union leaders, and the Government generally enforced this provision in practice.

Following a two-day strike in April by Toronto Transit Commission (TTC) workers, the Ontario legislature passed a law that obliged strikers to return to work and accept binding arbitration. In October the Toronto City Council narrowly defeated a motion to have the province declare the TTC an essential service, which would have permanently curtailed the workers' right to strike.

Trade unions are independent of the Government. Approximately 30 percent of the civilian labor force held union membership.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining, and collective agreements covered approximately 30 percent of the civilian labor force.

In November the Ontario Court of Appeal struck down a provincial law provision that prohibited an estimated 32,000 agricultural workers (including foreign mi-

grants) from bargaining collectively, ruling that the provision violated the Charter right to freedom of association. The province has 12 months to revise the provision.

In August the Supreme Court agreed to hear an appeal by the United Food and Commercial Workers Union alleging that a store in Jonquiere, Quebec, had dismissed employees because of their union activities. The company had closed the store in 2005, six months after receiving union certification and days before a provincially-appointed labor arbitrator was to present the parties with a mandatory contract settlement.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that labor trafficking occurred. Labor trafficking victims reportedly often entered the country legally but were unlawfully exploited in agriculture or domestic servitude.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor legislation varies by province. The Federal Government employs youths under age 17 only while school is not in session and in work unlikely to endanger health or safety. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment.

Inspections by federal and provincial labor ministries effectively enforced child labor laws and policies.

e. Acceptable Conditions of Work.—Each province and territory sets minimum wage rates, which ranged from Cdn\$7.75 to Cdn\$10.00 (approximately \$7.30 to \$9.40) per hour. Ontario and British Columbia have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage did not provide a decent standard of living for a worker and family. The federal statistical agency calculates annual averages, or Low Income Cut-Offs (LICO), by family and community size, below which a family is likely to spend significantly more on food, shelter, and clothing than the average. During the year the national LICO for a family of four with a before-tax income of less than Cdn\$39,399 (approximately \$36,960) qualified as low income.

Standard work hours vary by province, but in each the limit is 40 or 48 hours per week, with at least 24 hours of rest. The law requires payment of a premium for work above the standard workweek. Authorities effectively enforced these standards. There is no specific prohibition on excessive compulsory overtime, which is regulated by means of the required rest periods in the labor code that differ by industry.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitored and enforced these standards. Federal, provincial, and territorial laws protect the right of workers with “reasonable cause” to refuse dangerous work and remove themselves from hazardous work conditions, and authorities effectively enforced this right.

CHILE

Chile is a multiparty democracy with a population of approximately 16 million. In 2006 voters elected President Michelle Bachelet in a free and fair runoff election. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. There were isolated reports of excessive use of force and mistreatment by police forces, physical abuse in jails and prisons, and generally substandard prison conditions. The Government generally took steps to investigate and punish abusers. Domestic violence against women and children was widespread. There were incidents of trafficking in persons. Some indigenous people suffered discrimination. Many children were employed in the informal economy.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, on January 3 in Vilcun, police shot and killed Matias Catrileo, who had joined an occupation by indigenous persons of private land. A military court indicted a police corporal for the shooting, but he remained free and the case was pending at year’s end (*See* Section 5, Indigenous People).

In October 2007 the Rancagua Appeals Court indicted two former members of the uniformed national police (Carabineros) for the 1988 killings of Manuel Rodriguez Patriotic Front (FPMR) activists Raul Pellegrini and Cecilia Magni. The case remained pending at year's end.

In the "Albania Case" concerning the 1987 killings of 12 FPMR activists, former Carabinero Ivan Quiroz Ruiz was captured on January 24 after four months as a fugitive and began serving a 10-year sentence.

On February 1, the family of dual Chilean-Spanish citizen Carmelo Soria, who was killed by National Intelligence Directorate (DINA) agents in 1976, received a 780-million-peso (approximately \$1.5 million) payment as approved by the Senate. Action on an associated criminal case was pending at year's end.

On June 30, Judge Alejandro Solis convicted and sentenced nine former DINA agents, including former DINA director Manuel Contreras and two civilians, for the 1974 car bomb assassination of former army commander Carlos Prats and his wife in Buenos Aires. Contreras received two life sentences and 20 years for illicit association. At year's end all those indicted in the Prats case were free on bail except for Contreras, Pedro Espinoza, and Raul Iturriaga. Appeals regarding the sentences of the six other convicted individuals remained pending at year's end.

On October 15, the Supreme Court confirmed the conviction of former general Sergio Arellano and sentenced him to six years in prison. However, on November 18, the presiding judge relieved Arellano of serving time due to his Alzheimer's disease, and his family paid 500,000 pesos (approximately \$960) bail. This first ruling by the Supreme Court in the 1973 "Caravan of Death" case involved homicide convictions for four of the 72 killings perpetrated by a group of army officers and infantrymen who traveled around the country following the 1973 coup to order and perform prisoner executions. In addition, authorities convicted and sentenced four former military officers, one to six years in prison and three others to four years on parole.

Judge Jorge Zepeda's investigations of retired security officer Rafael Gonzales, charged in connection with the 1973 killings of U.S. citizens Charles Horman and Frank Teruggi, remained pending at year's end.

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

Courts prosecuted a number of historical cases based on plaintiffs' arguments that the abduction of political prisoners constituted a continuing crime, not covered by amnesty, unless the subsequent execution of the prisoner could be established concretely by identification of remains. The Supreme Court upheld a number of convictions based on indefinite or permanent kidnapping. The Supreme Court also revoked amnesty in several cases, allowing investigations of historical cases of politically motivated disappearances to be reopened. In other cases the courts upheld the statute of limitations or lessened sentences, allowing the convicted persons to serve time outside of prison.

There were no developments in the 1985 disappearance case of U.S. citizen Boris Weisfeiler near Colonia Dignidad.

On May 26, Judge Victor Montiglio issued 98 indictments of former members of the army, air force, Carabineros, and Investigations Police (PDI) for the 1975 disappearance case called "Operation Colombo." The 98 inditees, 13 of whom were serving sentences for other human rights violations, were all charged with "permanent kidnapping" of 41 victims. "Operation Colombo" covered up DINA detentions of 119 Chileans by placing false media reports in Argentina and Brazil stating that the disappeared individuals had died in Argentina or Brazil.

A criminal court investigation of the 1974 disappearance of Gloria Lagos Nilsson remained pending at year's end. This case had been under military court purview until January 2007 when, for the first time in the investigation of a Pinochet-era disappearance case, a military court recused itself.

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

Although the constitution prohibits such practices, nongovernmental organizations (NGOs) received reports of abuse and mistreatment by the Carabineros, the PDI, and prison guards. Few reports of abuse or mistreatment led to convictions.

The Gendarmeria opened administrative investigations into 107 allegations of abuse before the end of the year, compared with 26 such cases in 2007. Of the new cases, six resulted in officials receiving sanctions, nine were closed or the accused officials were not found responsible, and 92 were pending at year's end.

On July 11, the Santiago Appellate Court confirmed a three-year prison sentence for Colonia Dignidad settlement founder Paul Schaefer for the abuse and torture of eight members of the community between 1970 and 1980. Schaefer was already serving time for rape and sexual molestation.

Prison and Detention Center Conditions.—Prison conditions generally were poor. Prisons often were overcrowded and antiquated, with substandard sanitary condi-

tions. As of December there were approximately 50,000 prisoners in prisons designed to hold 33,000 inmates. Prisons in the Santiago Metropolitan Region were at nearly double their design capacity. The 2008 Diego Portales University Law School Annual Report on Human Rights reiterated that overcrowded prisons with substandard sanitary, food, and medical services were a problem and also described cases of prisoner abuse and use of excessive force.

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources. Prison officials reported that there were 63 deaths from preventable causes during the year, compared with 48 in 2007. As of December 48 inmates had been killed by other prisoners, and 15 inmates had committed suicide. Prisoners with HIV/AIDS and mental disabilities allegedly failed to receive adequate medical attention.

In March the UN Children's Fund issued a report on the new, more rehabilitative juvenile justice system established under a 2007 reform law. The principal shortcomings noted included deficient implementation of schooling and training programs, a lack of appropriate medical attention and administration of medicines, the use of solitary confinement despite its prohibition in the law, and the absence of segregation of youths by age and gender. As of December approximately 1,600 minors were incarcerated in the new system, of whom nearly 80 percent were held provisionally during their trial. A special prosecutor's investigation into a 2007 fire, which started during a riot in the Tiempo de Crecer juvenile detention center in Puerto Montt and killed 10 adolescents, was pending at year's end.

The Government permitted prison visits by independent human rights observers, and such visits took place to both government-run and privately operated facilities. An Inter-American Commission on Human Rights (IACHR) delegation that visited and evaluated the country's prison system in late August found some good practices, but it also noted excessive use of force, systematic physical mistreatment including the use of isolation measures in inhuman conditions, overcrowding, unsanitary conditions, deficient infrastructure, and a lack of appropriate inmate separation and specialized medical attention. Prisoner rights and human rights groups continued to investigate alleged use of abuse or excessive force against detainees.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the uniformed Carabineros national police force, overseen by the Ministry of Defense, and the plainclothes PDI, overseen by the Ministry of the Interior. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Only public officials expressly authorized by law can arrest or detain citizens. Authorities must immediately inform a prosecutor of an arrest and generally did so in practice.

The prosecutor must open an investigation, receive a statement from the detainee, and ensure that the detainee is held at a local police station until the detention control hearing. Detention control hearings are held twice daily, allowing for a judicial determination of the legality of the detention within 24 hours of arrest. Detainees must be informed of their rights, including the right to an attorney and the right to remain silent until an attorney is present. Public defenders are provided to detainees in the event that they do not select a lawyer of choice. Authorities must expedite notification of the detention to family members. If authorities do not inform the detainees of their rights upon detention, the process can be declared unlawful by the judge during the detention control hearing.

The law allows judges to set bail, grant provisional liberty, or order continued detention as necessary to the investigation or for the protection of the prisoner or the public.

The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. Regular visits by family members are allowed.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. National and regional prosecutors investigate crimes, formulate charges, and prosecute cases. Three-judge panels form the court of first instance; the process is oral and adversarial, trials are public, and judges rule on guilt and dictate sentences. Court records, rulings, and findings were generally accessible to the public.

The law provides for the right to legal counsel, and public defender's offices in all 15 regions and the Santiago Metropolitan Region provide professional legal counsel to anyone seeking such assistance. When requested by other human rights organizations or family members, the NGO Corporation for the Promotion and Defense of the Rights of the People and other lawyers working pro bono assisted detainees during interrogation and trial. Defendants enjoy a presumption of innocence and have a right of appeal.

For crimes committed prior to the implementation of the 2005 judicial reforms, criminal proceedings are inquisitorial rather than adversarial. The statute of limitations to press charges is 10 years. At year's end authorities closed four of the six remaining inquisitorial criminal courts in the Santiago Metropolitan Region, and all prereform cases faced extensive waits for trial.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees, although a number of inmates convicted of terrorist acts following the return to democracy in 1990 claimed to be political prisoners.

Civil Judicial Procedures and Remedies.—While there is an independent and impartial judiciary in civil matters, which permits access for lawsuits regarding human rights violations, modernization of the judiciary has not affected the civil justice system, which was characterized by antiquated and inefficient procedures. The average civil trial lasted approximately five years, and civil suits could continue for decades.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice, subject to significant legal restrictions.

Human rights groups and press associations criticized the existence and application of laws that prohibit insulting state institutions, including the presidency, the legislature, and judicial bodies, and those that allow government officials to bring charges against journalists who insult or criticize them. Military courts may charge and try civilians for defamation of military personnel and for sedition, but their rulings can be appealed to the Supreme Court.

Two major media groups, which were largely independent of the Government, controlled most of the print media. The Government was the majority owner of La Nacion newspaper but did not directly control its editorial content. International print media operated freely.

The broadcast media generally were independent of direct government influence. The Television Nacional network was state owned but not under direct government control. It was self-financed through commercial advertising, editorially independent, and governed by a board of directors appointed by the president and approved by the Senate.

The government-funded National Television Council (CNT) is responsible for ensuring that television programming respects "the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming. Films and other programs judged by the CNT to be excessively violent, have obscene language, or depict sexually explicit scenes may be shown only after 10:00 p.m., when "family viewing hours" end. The CNT occasionally levied fines.

On May 7, authorities arrested documentary filmmaker Elena Varela Lopez, charged her with "illegal association with intent to commit an offense," and confiscated her equipment and research documents regarding the conflict between lumber companies and the Mapuche indigenous people. She was released from custody on August 13 but placed under house arrest at night; at year's end she remained charged with crimes dating from bank raids in 2004–05.

On September 26, the State Defense Council agreed to pay 30 million pesos (approximately \$55,000) to journalist Alejandra Matus for censoring her book, *El Libro Negro de la Justicia Chilena*. The book criticized the country's justice system for actions during the Pinochet era. The decision complied with an IACHR recommendation that determined the censorship had violated the author's rights.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. While the PDI maintained a cybercrime unit that monitored Web sites for financial crimes and child pornography, there were no reports that the Government monitored e-mail or Internet chat rooms for other pur-

poses. The International Telecommunication Union reported that there were 31 Internet users per 100 inhabitants in 2007.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

On October 7, the Government approved October 31 as a national holiday recognizing evangelical churches.

Societal Abuses and Discrimination.—There were reports of anti-Semitic incidents, including spray-painted graffiti and swastikas directed at Jewish individuals and institutions in Concepcion. Government investigations identified two suspects in these acts. There were approximately 15,000 members of the Jewish community.

Neo-Nazi and skinhead groups engaged in gang-type criminal activities and violence against immigrants, homosexuals, punk rockers, and anarchists. While these groups shared the anti-Semitic rhetoric of neo-Nazi groups, there were no reports of neo-Nazi attacks targeting the Jewish community. Police arrested persons involved in neo-Nazi attacks, and neo-Nazis have been dismissed from the armed forces and Carabineros.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened. Between January and October, 248 residents were given recognized refugee status for a total in October of 1,385 residents with that status. During the year the Government also provided temporary protection to three individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Between April and May, 30 families (116 refugees) of Palestinian origin were resettled from the Al-Tanf camp on the Syrian-Iraqi border into communities in the Santiago Metropolitan and Valparaíso regions, with implementation assistance and local integration facilitated by the Catholic Archdiocese of Santiago and the UNHCR. Refugees may be naturalized after five years of permanent residency if they demonstrate financial independence and have no criminal record.

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

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

Elections and Political Participation.—In January 2006 voters elected Michelle Bachelet of the center-left Concertación coalition as president in a free and fair runoff election. In 2005 voters elected 20 of the 38 senators and all members of the Chamber of Deputies in elections generally considered free and fair. Political parties can operate without restriction or outside interference.

There were 16 women in the 120-seat Chamber of Deputies, two women in the Senate, and nine women in the 22-member cabinet. After President Michelle Bachelet instituted her policy of “gender parity,” women filled nearly 50 percent of governmental appointments. However, women continued to be underrepresented among elected officials, constituting only 12.5 percent of mayors, for instance.

Indigenous people have the legal right to participate freely in the political process, but relatively few were active. No member of the legislature was known to be of indigenous descent.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

On September 18, member of the Chamber of Deputies Amelia Herrera was convicted of extorting companies when she was mayor of Quilpue to obtain funds for her congressional campaign. A judge commuted her 61-day sentence and imposed a three-year prohibition against serving in public positions.

On October 28, the former manager of administration of the State Railroad Company, Claudio Carreno, was convicted of repeated acts of fraud and two counts of bribery in 2005–06, acts that generated a loss of 371 million pesos (approximately \$713,000) in public funds. A judge sentenced him to five years in prison and a fine of 31.7 million pesos (\$61,000) but allowed him to serve his sentence on parole because he cooperated with the investigation.

Investigations continued into Chiledeportes, which promotes amateur and professional sports. On May 23, the former Valparaiso Chiledeportes director was convicted of fiscal fraud and sentenced to prison but released on parole. Investigation of the indicted former Santiago Metropolitan Region Chiledeportes director continued at year's end. On October 6, five persons were convicted in the related Publicam case, in which Publicam sold false invoices to companies seeking to evade taxes. Some of these invoices were discovered during the Chiledeportes investigation.

The law makes public officials subject to financial disclosure and assigns responsibility to the comptroller for conducting audits of government agencies and to the Public Ministry for initiating criminal investigations of official corruption.

The constitution requires the Government and its agencies to make all unclassified information about their activities available to the public. All ministries and most public agencies had Web sites.

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

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

On November 12, the Chamber of Deputies rejected a bill to create the People's Defense Office (ombudsman). This constitutional reform measure, originally introduced in 2003, received a majority of votes but not the required three-fifths of deputies.

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

The law prohibits discrimination based on race, gender, age, nationality, national origin, disability, or social status, and the Government enforced this prohibition; however, such discrimination continued to occur.

Women.—Rape, including spousal rape, is a criminal offense. Penalties for rape range from five to 15 years' imprisonment, and the Government generally enforced the law. Statutory rape applies to victims 14 years of age and under. The law protects the privacy and safety of the victim making the charge. During the year the Public Ministry investigated 2,946 cases of rape, compared with 2,782 cases in 2007, and the courts handed down 303 convictions for rape. Experts believed that most rape cases went unreported.

The Ministry of Justice and the PDI had several offices specifically to provide counseling and assistance in rape cases. A number of NGOs, such as La Morada Corporation for Women, provided counseling for rape victims.

Domestic violence against women remained a serious problem. From January to September, the Public Ministry initiated investigations into 53,380 cases of family violence, compared with 46,354 cases for all of 2007. During the year 59 women were killed as a result of domestic or sexual violence, compared with 61 in 2007.

Government actions to confront the problem included a national domestic violence awareness campaign beginning in October; operation of 58 assistance centers and 25 shelters for women; and partnerships with NGOs to provide training on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. In April the women's rights NGO DOMUS and private sponsors published a manual for the prevention of domestic violence. In November a national campaign, sponsored by the UN Development Fund for Women and private entities, began providing information on resources available to domestic violence victims.

Although adult prostitution is legal, bordellos are not. Several hundred women registered as prostitutes with the National Health Service. Police often detained prostitutes (usually as a result of complaints by neighborhood residents) on charges

of “offenses against morality,” which could lead to a fine of 50,000 pesos (approximately \$95) or five days in prison. Procurement or pandering is illegal and punishable under law.

Sexual harassment generally was recognized as a problem. The law provides protection and financial compensation to victims of sexual harassment and penalizes harassment by employers or coworkers. The Labor Directorate received 344 complaints of sexual harassment in 2007, of which 27 percent involved harassment by an employer.

On March 11, the Government and Marcela Valdes signed an agreement to end the 1999 IACHR case she filed after she was fired from the Carabineros. Her firing occurred after she reported domestic abuse by her husband, who also worked for the Carabineros; however, authorities punished but did not dismiss him. Under the agreement the Government acknowledged violating her rights, paid her \$50,000, committed to revise domestic violence policies in the Carabineros, and promised to strengthen efforts to prevent violence against women in the organization.

Women enjoy most of the same legal rights as men, including rights under family law and property law. Despite the 1994 introduction of a “community property” marital arrangement, in which each spouse maintains separate control of the assets brought into the marriage, the default and most common marital arrangement is “conjugal society,” which gives a husband the right to administer joint property, including his wife’s property. Under a 2007 agreement with the IACHR, the Government committed to modify the law to give women and men equal rights and responsibilities in marriage; implementing legislation remained pending at year’s end.

The commercial code provides that unless a woman is married under the separate estate regime, she may not enter into a commercial partnership agreement without permission from her husband.

The quadrennial 2004 National Socio-Economic Survey estimated that the overall gender income gap remained at 33 percent, which widened to 38 percent in managerial and professional positions. The labor code provides specific benefits for pregnant workers and recent mothers, including a prohibition against dismissal; employers may not ask women to take pregnancy tests prior to hiring them, although the NGO La Morada received reports that the practice continued in some companies. The National Women’s Service is charged with protecting women’s legal rights.

Children.—The Government is committed to children’s rights and welfare.

Violence against children was a significant problem. The First National Survey of Victimization of Domestic Violence and Sex Crimes, conducted by the Government in 2006–08, found that 72 percent of children had suffered some form of violence including psychological abuse.

The law prohibits sexual abuse of minors and suspends the statute of limitations in such cases. During the year the Public Ministry investigated 347 cases of commercial juvenile sexual exploitation, compared with 289 in 2007; and the National Children’s Service (SENAME) assisted 1,216 victims of commercial juvenile sexual exploitation, compared with 1,062 in 2007. SENAME ran 14 programs specifically for victims of commercial sexual exploitation and 47 additional programs for children and youth in high-risk situations, including commercial sexual exploitation. SENAME, the Carabineros, and the PDI cooperated with schools and NGOs to identify children in abusive situations, provide counseling and other social services to abused children, and keep families intact.

Child prostitution was a problem. Children engaged in prostitution for survival with and without third-party involvement.

Child labor in the informal economy was a problem.

Trafficking in Persons.—The law does not specifically prohibit all forms of trafficking in persons, and there were reports that persons were trafficked to, from, through, and within the country for the purposes of sexual and labor exploitation and involuntary domestic servitude.

Most reported victims were women and minors trafficked internally for sexual exploitation. Victims were also trafficked from the country to Argentina, Peru, Bolivia, the United States, Europe, and Asia for sexual and labor exploitation. Anecdotal reports suggested that young women were the primary targets for trafficking abroad. Foreign victims were brought to the country for commercial sexual exploitation or involuntary domestic servitude or labor, particularly in agriculture, from Peru, Argentina, Colombia, Bolivia, Paraguay, and China, although it was difficult to distinguish some trafficking victims from economic migrants. The Chinese appeared to be transiting en route to Mexico, Brazil, and possibly the United States.

Principal traffickers were small-scale criminals, although reports of trafficking by organized criminal rings increased. Traffickers reportedly used newspaper advertisements for models to lure girls and targeted economically disadvantaged families

when looking for children. The majority of transnational trafficking victims reportedly held valid travel documents.

The law criminalizes cross-border trafficking for sexual exploitation, with a minimum penalty of three years in prison and fines beginning at 430,000 pesos (approximately \$825). Sanctions are increased to a maximum of 20 years in a number of circumstances, including cases in which the victim is a minor, violence or intimidation is used, deception or abuse of authority is involved, the victim is related to or under the tutelage of the perpetrator, or advantage is taken of a victim's circumstances or disability. The law criminalizes the promotion of child prostitution, corruption of minors, and solicitation of sexual services from a minor in exchange for money or other considerations. Trafficking victims may remain in the country during legal proceedings against their traffickers. Victims may also bring legal action against traffickers and seek restitution. The law does not criminalize transnational trafficking for the purpose of labor exploitation and lacks specific prohibitions against some forms of internal trafficking.

An antitrafficking coordinator in the Ministry of the Interior worked with the PDI, the Ministry of Justice, other government agencies, and NGOs to coordinate antitrafficking efforts. During the year the Public Ministry opened 126 new cases, including 15 cases of cross-border trafficking, and convicted five persons of cross-border trafficking. Nine investigations of cross-border trafficking were active at year's end. Most trafficking-related cases dealt with commercial sexual exploitation of minors. The Government cooperated with Interpol on law enforcement activities.

The Government made substantial efforts to assist trafficking victims. SENAME worked with local offices, international organizations, and NGOs to provide child victims counseling, psychological and health care, and educational opportunities. SENAME also worked to ensure that child victims would not return to abusive or high-risk situations.

The Government also worked with Bolivian and Argentine authorities to coordinate the safe repatriation of foreign victims. The Government had no residence visa program for foreign trafficking victims.

Government programs to prevent trafficking included a PDI public awareness campaign, with a cinema workshop at the PDI police academy; ongoing training of police and prosecutors in collaboration with the International Organization for Migration; and participation in the regional training of officials from immigrant services, the National Prosecutor's Office, and the PDI.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities, but such persons suffered forms of de facto discrimination. In October the “New Faces” Foundation, an NGO that provides attention to impoverished adults with mental or psychological disabilities, reported an estimated 60,000 persons suffered from moderate or severe mental disability and nearly half received no mental health attention. Approximately 100,000 persons under the age of 27 with disabilities did not receive any special care or education.

A majority of public buildings did not comply with legal accessibility mandates. An improved transportation system in Santiago provided additional, but still limited, accessibility for persons with disabilities. Public transportation outside of the capital remained problematic.

The National Fund for Persons with Disabilities (FONADIS), under the jurisdiction of the Ministry of Planning, has responsibility for protecting the rights of persons with disabilities and for creating programs to promote their better integration into society. FONADIS supported a number of programs through its annual national projects contest.

Indigenous People.—The law gives indigenous people (approximately 5 percent of the total population) the right to participate in decisions affecting their lands, cultures, and traditions and provides for bilingual education in schools with indigenous populations. Approximately one-half of the self-identified indigenous population remained separated from the rest of society, largely due to historical, cultural, educational, and geographical factors. Both internal factors and governmental policies limited the participation of indigenous people in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous people also experienced some societal discrimination and reported incidents in which they were attacked and harassed. According to the 2006 Socioeconomic Characteristics Survey, the indigenous population's poverty rate dropped 10 percent since 2003, and the gap between indigenous and nonindigenous poverty narrowed more than 5 percent.

The National Corporation for Indigenous Development (CONADI), which included directly elected indigenous representatives, advised and directed government programs to assist the economic development of indigenous people. According to CONADI, in 2007 approximately 40,000 acres were transferred and registered as indigenous lands, benefiting approximately 1,000 Mapuche families. During the year the Ministry of Education and CONADI provided scholarships to nearly 44,000 indigenous elementary, high school, and college students, compared with approximately 42,000 in 2007. Indigenous groups noted, however, that the scholarships were actually small stipends to cover living expenses and did not cover tuition costs.

There were isolated instances of violent confrontations between indigenous Mapuche groups and landowners, logging companies, and local government authorities in the southern part of the country. The actions normally took the form of protests. Instances of rock throwing, land occupations, and burning crops, buildings, or vehicles occurred occasionally. The Coordinadora Arauco Malleco (CAM), an indigenous group that has been accused of domestic terrorist acts, reportedly initiated many of these actions.

There were reports of police abuse against Mapuche individuals and communities and harassment of NGOs associated with the promotion of indigenous rights. On January 3, police shot and killed 22-year-old Matias Catrileo while he and approximately 30 other Mapuche individuals occupied private land and destroyed crops in Vilcun. A military court indicted Corporal Walter Ramirez for the shooting, but he remained free and on active duty with the case pending at year's end.

The Observatory of Indigenous People's Rights (OIPR) reported incidents of police searches of indigenous homes without a warrant, arrest and release of indigenous individuals without a detention control hearing, and police use of intimidation and discriminatory statements against indigenous individuals including minors. The OIPR also reported that individuals and organizations that defend indigenous rights were subject to threats.

On November 3, a court absolved alleged CAM member Avelino Menaco of involvement in an October 2007 arson fire. The Prosecutor's Office filed an appeal that was pending at year's end. Also pending at year's end were investigations regarding the 2007 arrests of two other Mapuche CAM members under charges of arms possession or arson.

Other Societal Abuses and Discrimination.—According to the Sixth Annual Report on the Human Rights of Sexual Minorities of the Movement for Homosexual Integration and Liberation (MOVILH), there were 57 cases of discrimination (including four killings) due to sexual orientation in 2007. MOVILH cited a decrease in reports of police brutality but an increase in labor discrimination against gays, lesbians, transvestites, and transgendered individuals.

There were no confirmed cases of societal violence or discrimination based on persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, and approximately 13 percent of the total workforce (estimated at 7.2 million) was unionized in more than 20,000 registered unions. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Police and military personnel may not organize collectively.

Public employees do not enjoy the right to strike, although a four-day strike in November that included government teachers, municipal and health workers, and other government employees halted the work of 70 percent of public-sector employees. The strike ended with the negotiation of a salary increase.

While employees in the private sector have the right to strike, the Government regulated this right, and there were some restrictions. Employers must show cause and pay severance benefits if they dismiss striking workers. The law proscribes employees of 32 private sector companies, largely providers of services such as water and electricity, from striking. It stipulates compulsory arbitration to resolve disputes in these companies. Strikes by agricultural workers during the harvest season are prohibited.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law, but the right of entertainers and temporary agricultural, construction, and port workers to bargain collectively is limited. Intercompany unions were permitted to bargain collectively only if the individual employers agreed to negotiate under such terms. Collective bargaining in the agricultural sector remained dependent on employers agreeing to negotiate.

A 2007 International Trade Union Confederation report identified continuing antiunion practices, such as barring of union leaders' access to companies, replacement of striking workers, and threatening dismissal to prevent formation of trade unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, such practices occurred, primarily for domestic servitude and forced prostitution. The labor code does not specifically prohibit forced or compulsory labor by children, and child prostitution remained a problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—Despite laws restricting child labor, the employment of children was a problem in the informal economy and in agriculture.

The law provides that children between the ages of 15 and 18 may work with the express permission of their parents or guardians, but they must attend school. They may perform only light work that does not require hard physical labor or constitute a threat to health and childhood development. When attending school children may not work more than 30 hours a week and in no case more than eight hours a day. Their work contracts must be registered by their employers at the local Ministry of Labor inspector's office.

During the year there were 268 detected cases of children and adolescents involved in the worst forms of child labor. The majority of reported child and adolescent labor cases since 2003 involved boys, children over the age of 15, and children not enrolled in school. Examples included hazardous work in mines, commercial sexual exploitation, and illegal activities.

Ministry of Labor inspectors enforced regulations, and while compliance was good in the formal economy, many children were employed in the informal economy. During the year the Ministry of Labor imposed some form of sanction in 111 cases involving violations of child labor laws, compared with 98 cases in 2007.

The Government devoted considerable resources and oversight to child labor policies. SENAME, in coordination with labor inspectors, identified and assisted children in abusive or dangerous situations. SENAME also implemented public education programs to raise awareness and worked with the International Labor Organization to operate rehabilitation programs. The Ministry of Labor convened regular meetings of a business-labor-government group to monitor progress in eradicating child labor.

e. Acceptable Conditions of Work.—The minimum wage is set by law and is subject to adjustment annually. A committee composed of government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. On July 1, the minimum wage increased 10.4 percent to 159,000 pesos (approximately \$305) a month. This wage was designed to serve as the starting wage for an unskilled single adult worker entering the labor force and did not provide a worker and family with a decent standard of living. The minimum wage for domestic servants was 75 percent of that for other occupations. The minimum wage for workers over age 65 and under 18 was 118,690 pesos (approximately \$230) a month. The Labor Directorate, under the Ministry of Labor, was responsible for enforcing minimum wage and other labor laws and regulations and did so effectively.

The law sets the legal workweek at six days or 45 hours. The maximum workday length is 10 hours (including two hours of overtime pay), but positions such as caretakers and domestic servants are exempt. The law mandates at least one 24-hour rest period during the workweek, except for workers at high altitudes, who may exchange a work-free day each week for several consecutive work-free days every two weeks. The law establishes fines for employers who compel workers to work in excess of 10 hours a day or do not provide adequate rest days. The Government effectively enforced these standards.

The law establishes occupational safety and health standards, which were administered by the ministries of health and labor and effectively enforced. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. The law protects employment of workers who remove themselves from dangerous situations if labor inspectors from the Labor Directorate and occupational safety and health inspectors from the country's Safety Association determine conditions that endanger their health or safety exist. Authorities effectively enforced the standards and frequently imposed fines for workplace violations.

COLOMBIA

Colombia is a constitutional, multiparty democracy with a population of approximately 45 million. In May 2006 independent presidential candidate Alvaro Uribe was reelected in elections that were considered generally free and fair. The 44-year internal armed conflict continued between the Government and terrorist organizations, particularly the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted in violation of state policy.

Although problems remained, the Government's respect for human rights continued to improve, which was particularly evidenced by progress in implementing the Justice and Peace Law (JPL). The following societal problems and governmental human rights abuses were reported during the year: unlawful and extrajudicial killings; forced disappearances; insubordinate military collaboration with new illegal groups and paramilitaries who refused to demobilize; torture and mistreatment of detainees; overcrowded and insecure prisons; arbitrary arrest; a high number of pretrial detainees, some of whom were held with convicted prisoners; impunity; an inefficient judiciary subject to intimidation; harassment and intimidation of journalists; unhygienic conditions at settlements for displaced persons, with limited access to health care, education, or employment; corruption; harassment of human rights groups; violence against women, including rape; child abuse and child prostitution; trafficking in women and children for the purpose of sexual exploitation; societal discrimination against women, indigenous persons, and minorities; and illegal child labor.

The FARC and ELN committed the following human rights abuses: political killings; killings of off-duty members of the public security forces and local officials; kidnappings and forced disappearances; massive forced displacements; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment of child soldiers; attacks against human rights activists; and harassment, intimidation, and killings of teachers and trade unionists.

New illegal groups also committed numerous human rights abuses. The last United Self Defense Forces of Colombia (AUC) block demobilized in 2006, but AUC members who refused to demobilize, AUC members who demobilized but later abandoned the peace process, and other new illegal groups remained targets of security force action. (The new illegal groups consisted of demobilized paramilitaries who returned to violence, individual paramilitaries who never demobilized, common criminals, and narcotics traffickers primarily involved in criminal activity. These new groups lacked the organization, reach, and military capacity of the former AUC and focused primarily on narcotics trafficking and extortion rather than fighting the FARC or ELN. In these circumstances, it was often difficult to determine responsibility for abuses committed.)

The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new illegal groups continued to commit numerous unlawful acts and related abuses, including: political killings and kidnappings; physical violence; forced displacement; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; recruitment and use of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.

Government statistics indicated that during the year killings decreased 6.2 percent and kidnappings decreased 14.3 percent compared with the same period in 2007. Through December the JPL process helped clarify over 20,000 crimes and led to the exhumation of 1,788 remains in 1,441 common graves, while the Supreme Court and prosecutor general's investigations of links between politicians and paramilitary groups implicated 70 representatives, 15 governors, and 31 mayors, many of whom were in jail at year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Political and unlawful killings remained an extremely serious problem, and there were periodic reports that members of the security forces committed extrajudicial killings during the internal armed conflict (*See* Section 1.g.). There were credible reports of military officials paying illegal groups to forcibly recruit young men, transport them to another town,

and turn them over to local brigades who then killed them and presented them as guerillas killed in combat.

Guerrillas, notably the FARC and ELN, committed unlawful killings (*See* Section 1.g.).

Paramilitary members who refused to demobilize and new illegal group members committed numerous political and unlawful killings, primarily in areas under dispute with guerrillas or without a strong government presence (*See* Section 1.g.).

The Jesuit-founded Center for Popular Research and Education (CINEP), a local human rights nongovernmental organization (NGO), claimed there were at least 220 political and unlawful killings, committed by all actors, during the first six months of the year, 18 more than reported in the same period in 2007. Some NGOs, such as CINEP, considered the new illegal groups to be a continuation of the paramilitary groups and attributed reports of human rights violations committed by these groups directly to the Government. They also included killings by these groups in their definition of "unlawful killings."

The Ministry of Defense reported that 169 persons died in 37 massacres (defined by the Government as killings of four or more persons), a 32 percent increase from 2007 (*See* Section 1.g.).

Some members of government security forces, including enlisted personnel, non-commissioned officers, and senior officials, in violation of orders from the president and the military high command, collaborated with or tolerated the activities of new illegal groups or paramilitary members who refused to demobilize. Such collaboration often facilitated unlawful killings and may have involved direct participation in paramilitary atrocities.

Some reports suggested that in certain regions, such as eastern Antioquia, Choco, Meta, and Narino departments, there were corrupt dealings between local military officers and new illegal groups or paramilitaries who refused to demobilize. Although impunity for these military personnel remained a problem, the Ministry of Defense carried out investigations and handed over culpable parties to civilian authorities in several high-profile cases during the year.

In conformity with the law, military or civilian authorities investigated killings committed by security forces. Civilian courts tried a number of military personnel accused of human rights violations. Investigations of past killings proceeded, albeit slowly. There were significant convictions in high-profile cases against military personnel in large part due to testimony in the Justice and Peace process; these included convictions in the cases of killings of counternarcotics police by the military in Jamundi and the 2005 San Jose de Apartado massacre of eight persons.

Both governmental and nongovernmental actors used landmines. Preliminary reports indicated that landmines, used primarily by the FARC and ELN, caused 147 deaths and 564 injuries during the year (*see* Section 1.g.). The Government completed clearing 12 landmine areas and continued efforts to demine 15 others.

b. Disappearance.—Forced disappearances, many of them politically motivated, continued to occur. CINEP reported 27 victims of forced disappearance during the first six months of the year, compared with 31 victims in the same period in 2007. According to the Presidential Program and the Disappeared Persons registry (SIRDEC), coordinated by the National Institute of Legal Medicine and Forensic Science, 133 persons were reported as forcibly disappeared in the first nine months of the year. The Government allocated 658 million pesos (approximately \$267,000) to develop and run the SIRDEC registry and to implement an interinstitutional national plan to combat forced disappearances. The plan has four components: an information system, search capacity, identification of remains, and assistance to victims' families.

Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. The Government's National Fund for the Defense of Personal Liberty (Fondolibertad) reported 197 kidnappings for extortion during the year, a decrease of 14 percent from 2007.

GAULA (Unified Action Groups for Personal Liberty, a military and police entity formed to combat kidnapping and extortion) and other elements of the security forces freed 222 hostages during the year; Fondolibertad reported that at least 14 kidnapping victims died in captivity during the year, compared with 22 during 2007.

The FARC and ELN as well as the new illegal groups continued the practice of kidnapping. Guerrillas frequently killed kidnapping victims (*See* Section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports that the police, military, and prison guards sometimes mistreated and tortured detainees. Members of the military and police accused of torture were tried in civilian rather than military courts. CINEP asserted that, during the first six months of the year, government

security forces were involved in 74 incidents of torture, a 46 percent increase compared with the first six months of 2007. CINEP also reported that, during the first six months of the year, there were 66 victims of torture by the armed forces.

CINEP reported that:

On February 15, in the municipality of Armenia, Quindio, units of the National Police tortured two suspected consumers of psychoactive substances and executed Geovanny Londono Castrillon.

On March 15, in the municipality of Puerto Asis, Putumayo, troops assigned to the Battalion Domingo Rico stopped and tortured Manuel Antonio Jimenez, affiliated with the local branch of one of the country's largest agricultural unions.

On April 3, in the municipality of Montanita, Cauqueta, troops assigned to the army's 12th Brigade and the Sixth Mobile Brigade tortured Brayan Esteban Carvajal. There were no known developments in either case at year's end.

CINEP reported that demobilized paramilitaries were responsible for at least 19 cases of torture as of June.

Prison and Detention Center Conditions.—With the exception of new facilities, prison conditions were poor, particularly for prisoners without significant outside support. The National Prison Institute (INPEC) runs the country's 139 national prisons and is responsible for inspecting municipal jails.

Overcrowding, lack of security, corruption, and an insufficient budget remained serious problems in the prison system. As of year's end, more than 69,000 prisoners were held in facilities designed to hold fewer than 50,000; overcrowding rates exceeded 27 percent in 139 installations. Many of INPEC's 13,000 prison guards and administrative staff were poorly trained. The NGO Committee in Solidarity with Political Prisoners noted that improved training, increased supervision, and more accountability for prison guards has helped, but expressed fear that greater privatization of the prisons system may lead to further corruption.

Constrained budgets adversely affected prison conditions. INPEC spent 4,941 pesos (\$2.00) per day on each inmate for food. Private sources continued to supplement food rations of many prisoners.

INPEC reported that during the year there were 40 violent deaths among inmates related to fighting and riots. From January to September 30, there were 14 riots at various penal institutions. The Prosecutor General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. According to the Superior Judicial Council (CSJ), there were four judgments for excessive force made against prison guards during the year.

Pretrial detainees were held with convicted prisoners. Minors were not held with adults; however, minor children of female prisoners were able to stay with their mothers in some cases.

The Government permitted independent monitoring of prison conditions by local and international human rights groups, and such monitoring occurred during the year. The FARC and ELN continued to deny the International Committee of the Red Cross (ICRC) access to police and military hostages.

d. Arbitrary Arrest or Detention.—Although the law prohibits arbitrary arrest and detention, there were some allegations that authorities detained citizens arbitrarily.

Role of the Police and Security Apparatus.—The National Police are responsible for internal law enforcement and are under the jurisdiction of the Ministry of Defense. Law enforcement duties are shared with the Department of Administrative Security and the Prosecutor General's Corps of Technical Investigators. The army also shared limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or hard-to-reach areas. During the year the Human Rights Unit of the Prosecutor General's Office issued preventive detention orders for at least 225 members of the armed forces for human rights violations or extrajudicial killings. However, claims of impunity continued to be widespread, due in some cases to obstruction of justice, a lack of resources for investigations and protection for witnesses and investigators, and inadequate coordination among government entities. During the year the Ministry of Defense relieved from duty 80 officers and 213 noncommissioned officers and soldiers of the armed forces for inefficiency, unethical conduct, corruption, and suspected involvement in human rights violations.

Arrest and Detention.—Police apprehended suspects with warrants issued by prosecutors based on probable cause. However, a warrant is not required to arrest criminals caught in the act or fleeing the scene of a crime. Members of the armed forces detained members of illegal armed groups captured in combat but were not authorized to execute arrest warrants; however, members of the Technical Investigative

Unit from the Prosecutor General's Office, who accompanied military units, could issue such warrants.

After a four-year transition, a new criminal procedure code, employing an accusatorial system, took effect nationwide in all departments on January 1. Under this new code, persons detained must be brought before a judge within 36 hours to determine the validity of the detention. Formal charges must then be brought within 30 days, and a trial must start within 90 days of the initial detention. Crimes committed before implementation of the new code must be tried under the previous system.

The previous system required law enforcement authorities to inform suspects promptly of the reasons for an arrest and bring suspects before a senior prosecutor within 36 hours of detention. Prosecutors had to rule on the legality of detentions within 72 hours. Under both the new and previous systems, in most felony cases, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be released. Under the old system, in cases of crimes deemed particularly serious, such as homicide, terrorism, or rebellion, authorities were allowed up to 360 days to file formal charges before a suspect must be released. Habeas corpus is available to address cases of alleged arbitrary detention.

Bail is not available for lesser offenses or serious crimes such as murder, rebellion, or narcotics trafficking. Detainees have the right to prompt access to counsel of their choice, and nearly 1,600 public defenders from the Office of the Human Rights Ombudsman assisted indigent defendants.

Prominent human rights NGOs complained that the Government arbitrarily detained hundreds of persons, particularly social leaders, labor activists, and human rights defenders. CINEP reported that security forces arbitrarily detained 224 persons during the first six months of the year, compared with 187 in the same period of 2007. Many of these detentions took place in high-conflict areas (notably in the departments of Arauca, Cesar, Meta, and Putumayo), where the military was involved in active hostilities against insurgents. For example, CINEP reported the following:

On March 27, in Miranda, Cauca, troops assigned to the 57th Anti-guerrilla Battalion stopped and detained farmers Jose Libardo (president of a local rural organization), Jose William Prado, Duvan Casamachin, and Raul Grisales Dagua.

On April 11, in Cartagena de Chaira, Caqueta, troops assigned to the 22nd Mobile Brigade and members of the public prosecutor's 251st Specialized Anti-terrorism Unit, stopped and detained 24 persons in Caguan, Monserrate, and Puerto Camelias in Caqueta Department.

The Government and prominent local NGOs frequently disagreed on what constituted "arbitrary detention." While the Government characterized detentions based on compliance with legal formalities, NGOs applied other criteria in defining "arbitrary detention," such as arrests based on tips from informants about persons linked to guerrilla activities, detentions by members of the security forces without a judicial order, detentions based on administrative authority, detentions during military operations, large-scale detentions, and detentions of persons while they were "exercising their fundamental rights."

According to INPEC, unlike in previous years, there were no pretrial detainees or convicted prisoners held in police jails, due to restrictions under the new accusatory system. Failure on the part of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting for all detainees difficult. Trial delays were caused by large numbers of detainees, financial constraints, and staff shortages.

e. Denial of Fair Public Trial.—While the law provides for an independent judiciary, much of the judicial system was overburdened, inefficient, and hindered by subordination and intimidation of judges, prosecutors, and witnesses. In these circumstances, impunity remained a serious problem, although the Government took action to address these issues. The CSJ reported that the civilian judicial system suffered from a significant backlog of cases, which led to large numbers of pretrial detainees. Implementation of the new criminal accusatory system reduced the time for resolving new criminal cases by over 75 percent, with conviction rates of approximately 60 percent under the new system, compared with 3 percent under the old system. However, a large backlog of old-system cases remained.

Judicial authorities were subjected to threats and acts of violence. According to the National Association of Judicial Branch Employees and the Corporate Fund of Solidarity with Colombian Judges, 91 judicial employees solicited varying forms of protection from the Office of Protection in the Prosecutor General's Office for reasons including threats during the year. Although the Prosecutor General's Office ran

a witness protection program for witnesses in criminal cases, witnesses who did not enter the program remained vulnerable to intimidation, and many refused to testify.

The civilian justice system is composed of four functional jurisdictions: ordinary, administrative, constitutional, and special. The ordinary jurisdiction is the largest and handles all criminal, civil, labor, agrarian, and domestic cases involving non-military personnel. The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeal.

The Constitutional Court is the sole judicial authority on the constitutionality of laws, presidential decrees, and constitutional reforms. The court also may issue advisory opinions on the constitutionality of bills not yet signed into law and acts within its discretion to review the decisions of lower courts on “*tutelas*,” or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of the judicial process, by any citizen.

The special jurisdiction of the civilian justice system consists of the justices of the peace program and the indigenous jurisdiction. The CSJ is responsible for the administration and discipline of the civilian justice system.

The Supreme Court, the Council of State, the Constitutional Court, and the CSJ are co-equal supreme judicial bodies that sometimes issued conflicting rulings and frequently disagreed about jurisdictional responsibilities.

The military justice system consists of 44 military courts and the Supreme Military Tribunal, which serves as the court of appeals for all cases tried in military courts. The Supreme Court serves as a second court of appeal for cases with prison sentences of six or more years.

The military justice system may investigate and prosecute active duty military and police personnel for crimes “related to acts of military service.” The military penal code specifically defines torture, genocide, massacre, and forced disappearance as crimes unrelated to military service. All human rights violations are considered unrelated to military service and are handled by the civilian justice system. The military penal code specifically excludes civilians from military jurisdiction, and civilian courts must try retired military and police personnel, although military courts are responsible for service-related acts committed prior to their retirement. The military penal code denies commanders the power to impose military justice discipline on their subordinates and extends legal protection to service members who refuse to obey orders to commit human rights abuses.

The Prosecutor General’s Office is responsible for investigations and prosecutions of criminal offenses. Its Human Rights Unit, which included 13 satellite offices, specialized in investigating human rights crimes. As of December the unit’s 101 specialized prosecutors were handling a total of 4,510 cases.

The Inspector General’s Office investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General’s Office referred all cases of human rights violations it received to the Prosecutor General’s Human Rights Unit.

Through September the Office of the Inspector General opened disciplinary processes against 1,173 members of the armed forces for human rights offenses, all of which were referred to the prosecutor general for criminal investigation. In addition the Prosecutor General’s Office brought charges against 357 members of the armed forces; complete information was unavailable on those convicted during the year.

Trial Procedures.—During the year the country completed its transition to the oral accusatorial-style criminal procedure code, which replaced the written inquisitorial system in which a person was detained pending an investigation that involved the formal acceptance of evidence without an actual trial.

Under the new code the prosecutor presents an accusation and evidence before an impartial judge at an oral, public trial. The defendant is presumed innocent and has the right to confront the evidence against him at trial and to present his own evidence. No juries are involved.

In the military justice system, military judges preside over courts-martial without juries. Counsel may represent the accused and call witnesses, but the majority of fact-finding takes place during the investigative stage. Military trial judges issue rulings within eight days of a court-martial hearing. Representatives of the civilian Inspector General’s Office are required to be present at courts-martial.

Criminal procedure within the military justice system includes elements of the inquisitorial and accusatorial systems. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. A Constitutional Court ruling forbids military attorneys from undertaking defense counsel duties. Defendants must retain counsel at their own expense or rely on defenders paid by a special military officers’ fund.

Military justice system reforms begun in 2005 continued through the year; the reforms aimed to establish a forensic investigative corps and a military defense corps. The Ministry of Defense continued to examine how to finance a transition to the oral accusatory system used by the civilian judiciary. While reform has been slow, the military justice system has greatly increased its cooperation with civilian justice counterparts and has worked to expedite the transfer of over 600 human rights cases from military justice to civilian systems.

Civilian courts convicted military members for past human rights violations, for instance:

On April 2, the Second Penal Circuit Court of Antioquia sentenced five soldiers to 34 years in prison for the homicide and torture of Juan de Jesus Rendon Alzate in 2004.

On April 21, a court sentenced army Lieutenant Carlos Andres Lora Cabrales and Third Corporal Cesar Augusto Mosquera Guerrero to 30 years' imprisonment for the murder of indigenous Kankuamo tribal member Juan Enemias Daza Carillo in 2004. Seven other soldiers convicted for involvement in the crime received varying sentences.

On May 7, in the case of the murder of 10 policemen and a civilian in Jamundi, the Fourth Circuit Penal Judge in Cali sentenced Colonel Bayron Carvajal to 54 years in prison, Lieutenant Harrison Eladio Castro to 52 years, and 13 other soldiers under their command to 50 years each.

On August 29, a court sentenced retired soldiers Roberto Camacho Riano, Jorge Alberto Navarro Devia, and Evert Ospina Martinez to 18 years' imprisonment for the murder of Paez indigenous member German Zapata Escue, killed more than 20 years ago on the Jambalo Reservation in Cauca.

On September 5, the Specialized Circuit Penal Judge of Manizales sentenced a noncommissioned army officer, a paramilitary member, and a former mayoral candidate in Riosucio, Caldas, to 40 years' imprisonment for the murder of four indigenous leaders, including Fabio Hernan Tapasco, in a 2003 case under investigation by the Inter-American Court on Human Rights.

In December the Government began a publicly televised system of reporting complaints against military members, hosted by the Presidency, with participation by the Prosecutor General's Office, the Inspector General's Office, and the human rights ombudsman.

Political Prisoners.—The Government stated that it did not hold political prisoners. Some human rights advocacy groups characterized as political detainees some detainees held on charges of rebellion or terrorism in what the groups claimed were harassment tactics by the Government against human rights advocates. During the year there were 3,336 prisoners accused of rebellion or aiding and abetting insurgency, 2,263 of whom were accused of supporting the FARC. The Government provided the ICRC access to these prisoners.

Civil Judicial Procedures and Remedies.—Citizens can sue a state agent or body in the Administrative Court of Litigation for damages for a human rights violation. Although critics complained of delays in the process, the court generally was considered impartial and effective.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; while the Government generally respected these prohibitions in practice, there were exceptions. The law requires government authorities to obtain a warrant signed by a senior prosecutor to enter a private home without the owner's consent unless the suspect has been caught in hot pursuit, and government authorities generally adhered to these regulations.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations, even in prisons. However, government intelligence agencies investigating terrorist organizations sometimes monitored telephone conversations without judicial authorization, although evidence obtained in such a manner could not be used in court.

The Government continued to use a network of voluntary civilian informants to report terrorist activities and identify terrorists. Some national and international human rights groups criticized the network as subject to abuse and a threat to privacy and other civil liberties.

New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN guerrillas routinely interfered with the right to privacy. These groups forcibly entered private homes, monitored private communications, engaged in forced displacement and conscription, and abused family members. The standing orders of the FARC, which had large numbers of female combatants, prohibited pregnancies among its troops, and there were credible reports of forced abortions to enforce the order.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The country's 44-year-long internal armed conflict, involving government forces, two terrorist groups (FARC and ELN), and new illegal groups, continued. The conflict and narcotics trafficking, which both fueled and prospered from the conflict, were the central causes of multiple violations of human rights.

After the last AUC block demobilized in 2006, the Government confronted militarily any groups that did not demobilize as well as new illegal groups. There were no further paramilitary demobilizations beyond approximately 34,000 that collectively demobilized after the process began in 2003. The Organization of American States (OAS) continued to verify all stages of demobilization and reincorporation of former combatants into society. The OAS estimated that there were approximately 23 new illegal groups operating in the country.

Killings.—Security forces were allegedly responsible for unlawful killings. CINEP reported that there were 76 such killings during the first six months of the year, compared with 128 in the same period of 2007. The Prosecutor General's Office reported 788 active investigations of extrajudicial killings that occurred between January 2001 and September 30, 2008. Five of these investigations concluded during the year, resulting in 23 convictions. The majority of the killings under investigation occurred in the departments of Antioquia (65), Meta (66), and Narino (22). A large number of the reported cases allegedly involved the army and included investigations of four colonels, seven majors, and 32 captains. The investigations concerned 1,183 victims (1,092 males and 91 females), 52 of whom were minors. Statistics on the annual number of cases varied among NGOs, international organizations (such as the UN or OAS), and the Government in part because of differences in reporting formats, such as in categorizing cases by victims, incidents, or complaints.

A July 2007 Ministry of Defense directive focusing on extrajudicial killings created a senior-level committee, which continued to review cases with the UN High Commissioner for Human Rights (UNHCHR) and permitted the UNHCHR to visit all seven army divisions to review cases with the commanders of the units. Through its efforts, over 600 human rights cases were transferred during the year from the military to the civilian justice system. The committee's work also led to orders in 2007 instructing military commanders to emphasize demobilization over captures and capture over kills, to ensure the development and implementation of revised rules of engagement for military personnel, and to provide logistical assistance and support for civilian investigators.

Reports of extrajudicial killings during the year included:

On September 23, the Medical Examiner's Office reported it had identified 19 cadavers in Ocana, Norte de Santander, and Cimitarra, Santander. Investigations found that the bodies were reported as enemies killed in combat but later discovered to be extrajudicial killings; they matched the reports of missing persons from Soacha, Cundinamarca. In response to these killings, the Ministry of Defense dismissed 27 officers, including three generals (two of them division commanders) for command negligence. The ministry also dismissed nearly 50 officers for command negligence or omission in an attempt to implement recent directives on command responsibility.

Between June and September, the Prosecutor General's Office identified the remains of 11 youths in Toluviejo, Sucre, whom the army allegedly reported as killed in combat.

According to CINEP, extrajudicial killings attributed to the Government were a combination of false reports of guerrillas killed in combat and "social cleansing" (including vagrants, homosexuals, and other "undesirables"). Examples of extrajudicial executions by security forces reported by CINEP and the UNHCHR included:

On January 20, troops of the 13th Mobile Brigade allegedly executed Hugo Armando Torres and Heynar Alexander Guerrero in Nueva Union in Teteye de Puerto Asis, Putumayo, presenting them as aliases "Turbino" and "Celeno", guerrillas killed in combat, which community members denied.

On February 8, troops of the Operations Command Five of the Ninth Brigade allegedly executed Saul Dimas Pastrana, Eder Olmost Escobar, Yamith Castano Duenas, and Carlos Olmes Sanchez in Bajo Piravante de Campoalegre, Huila, presenting them as guerrillas killed in combat from the Teofilo Forero mobile column of the FARC, which their relatives denied.

On March 28, troops of Operations Command Three of the 93rd Anti-guerrilla Battalion of the Eighth Brigade in Aguabonita de Manzanares, Caldas, allegedly executed Juan Esteban Lopez Ramirez, Julian Alberto Jimenez, Oscar Alexander Ramirez Otalvaro, and Cesar Augusto Cardona, four youths who were camping in Manzanares, presenting them as members of a delinquent group in the service of the drug traffickers. Five others with them reportedly escaped.

There were developments in some continuing cases and little change in others. Cases involving killings in 2006 included:

On January 21, authorities placed into preventive detention four soldiers from the Fourth Engineering Battalion, "General Pedro Nel Ospina," on charges of homicide for the death of Diego Silver Garcia Suaza in Santa Barbara (Antioquia).

On February 12, the Prosecutor General's Office filed charges against Captain Hector Martin Pita Vasquez for his role in the 2002 Ville de Rosario massacre in Carmen de Bolivar.

On June 18, the Prosecutor General's Human Rights Unit filed charges against retired sergeant Luis Eduardo Mahecha Hernandez for his participation in the murder of Jose Orlando Giraldo Becerra in Golondrinas, Tolima.

In July the Inspector General's Office charged two sergeants major and five soldiers for their involvement in the killing of Edilberto Vasquez Cardona. Disciplinary investigations continued at year's end.

Actions in killings that took place before 2006 included:

In the 2005 case of eight civilians killed in San Jose de Apartado, Antioquia: On June 17, Lieutenant Colonel Orlando Espinosa Beltran and Major Jose Fernando Castano Lopez were arrested. On June 20, Albeiro Manuel Gomez Martinez, a former paramilitary, was also linked to the massacre and detained. Captain Guillermo Armando Gordillo Sanchez, detained in November 2007 on charges of homicide in the case, pled guilty to his participation and cooperated with prosecutors to identify others involved. On September 23, former paramilitary Uber Dario Yanes was arrested in connection with the massacre.

The second specialized judge in Buga sentenced four of nine paramilitaries to 40 years in prison in the 2005 killing of 12 minors in Buenaventura, Valle de Cauca.

Trial proceedings continued at year's end against four ex-paramilitaries, including Victor Manuel Mejia Munera, for their role in the 2004 massacre of 11 peasant farmers in Tame, Arauca.

On May 9, the Prosecutor General's Office issued preventive detention measures against Captain Juan Carlos Rodriguez Agudelo, Corporal Francisco Blanco Esteban, and Albeiro Perez Duque on charges of aggravated homicide, aggravated forced disappearance, and aggravated torture for involvement with paramilitary forces in the killings of Jhon Jairo Iglesias Salazar, Araceli Londono Varona, Ananias Mojica, and Jesus Antonio Cespedes Salgado (alias Jose Cespedes) in 2003 in Cajamarca, Tolima. On August 15, the Prosecutor General's Office issued arrest warrants for three more soldiers. On September 9, authorities charged Rodrigo Molina and Julio Gomez Naranjo in the murders. Jair Nunez Reina, convicted earlier in the case, filed an appeal. Trials for all defendants continued at year's end.

On September 2, judicial police units of the Prosecutor General's Office in Valledupar, Cesar, arrested Lieutenant Colonel Jaime Artuto Remolina Fontalvo, commander of the 10th Brigade's Energy and Infrastructure Protection Battalion Three, for the murder of Luis Alfonso Hernandez Moreno, who disappeared in 1998.

On April 18, the Prosecutor General's Office indicted nine additional suspects, including five members of the armed forces, for their role in the 2000 killing of 40 persons in Cienaga, Magdalena; the case continued at year's end.

Paramilitary members who refused to demobilize and new illegal groups killed journalists, local politicians, human rights activists, indigenous leaders, labor leaders, and others who threatened to interfere with their criminal activities, showed leftist sympathies, or were suspected of collaboration with the FARC. They also reportedly committed massacres and "social cleansing" killings of prostitutes, homosexuals, drug users, vagrants, and gang members in city neighborhoods they controlled. New illegal groups, according to CINEP, were responsible for the deaths of 148 civilians from January through June, a 13.5 percent increase from 128 deaths reported during the same period in 2007.

On January 23, the Prosecutor General's Office confirmed the arrest warrant of Sor Teresa Gomez as the primary intellectual author in the January 2007 killing of human rights activist Yolanda Izquierdo in Monteria, Cordoba.

On January 17, the second penal circuit judge in Antioquia convicted Hermen Jose Munoz Gonzalez (sentencing him to 28 years and nine months in prison) and began trial proceedings against Julio Cesar Silve Borja, Edwin Harvey Arroyo Cuervo, and Pablo Jose Montalvo Cuitiva for their role in the murder of Afro-Colombian leader Orlando Valencia in 2005. On September 10, Fredy Rendon Herrera and Elkin Jorge Castaneda Naranjo were placed in preventive detention for their participation in the killing. On October 3, authorities also charged Horacio Restrepo Urrego with participating in the murder. On October 14, unknown assailants killed Uco Alberto Hoyos Rivas, a witness in the case who was under the Ministry of Interior and Justice's protection program.

On February 29, the Prosecutor General's Office arrested and held without bail Major Oscar Alberto Acuna Arroyo, Captain Alvaro Camargo Camargo, and soldiers Fabio Arturo Medina Torreglosa, Luis Alfredo Colume Salgado, Angel Manuel Jimenez Oviedo, and Federman Cura Jaramillo. They were arrested for the execution in 2006 of Daladier Herrera Osorio and Omar Alfredo Osorio Almanza, who had been reported guerrillas killed in combat. The trial had not begun at year's end.

Guerrilla group force levels continued to decline. During the year, 3,461 members of guerrilla groups demobilized, compared with an estimated 3,192 demobilized in 2007.

FARC and ELN guerrillas killed journalists, religious leaders, candidates for public office, local elected officials and politicians, alleged paramilitary collaborators, and members of government security forces. In many areas of the country, the 8,000- to 9,000-member FARC and the 2,000-member ELN worked together to attack government forces or demobilized paramilitary members; in other areas, especially in Arauca, Valle, Cauca, and Narino departments, they fought each other. Various courts indicted members of the FARC secretariat in absentia on charges ranging from kidnapping and terrorism to aggravated homicide, in cases such as the murder of Antioquia ex-governor Guillermo Gaviria Correo and the murder of ex-minister Gilberto Echverry Mejia.

The Presidential Program for Human Rights reported that during the first nine months of the year, the FARC killed at least 250 persons, while another 84 persons were killed in massacres in which the perpetrators remained unidentified. The Presidential Program for Human Rights reported that between January and September, the FARC killed 286 members of the public security forces and the ELN killed 44. Representative incidents included:

On February 13, in Puerto Asis, Putumayo, three soldiers were killed and two wounded after the 48th Front of the FARC attacked the soldiers with dynamite and pipe bombs.

On April 25, in Santa Cruz, Narino, two soldiers were killed and two others wounded by an explosive planted by the FARC.

On June 4, in Genova, Quindio, members of the 50th Front of the FARC detonated explosives as a police transport of 25 police passed, killing three of the police.

On August 4, in Melgar, Tolima, members of the FARC detonated an explosive device against a Public Forces Helicopter School helicopter, killing three army soldiers.

On September 1, in Cali, Valle de Cauca, members of the FARC detonated a car bomb in front of a courthouse, killing four civilians and injuring 26 others.

The FARC also killed persons it suspected of collaborating with government authorities or paramilitary groups. According to the Government's tracking system, the FARC killed 297 demobilized paramilitaries during the year.

Abductions.—New illegal groups, paramilitaries who refused to demobilize, and FARC and ELN terrorists continued to take hostages for ransom. The FARC and ELN also kidnapped politicians, prominent citizens, and members of the security forces to use as pawns in a prisoner exchange.

New illegal groups often abducted persons suspected of collaboration with guerrillas, almost all of whom were presumed dead.

The National Foundation for the Defense of Personal Liberty (Fondolibertad) reported that new illegal group members continued to be responsible for kidnappings, but those numbers were not differentiated from kidnappings due to common crime, since the Government statistics considered new illegal groups as criminals. Common crime accounted for 221 kidnappings during the year.

The FARC and ELN continued to commit numerous kidnappings. Fondolibertad reported that during the year, guerrillas kidnapped 156 persons (38 percent of those in which a perpetrator was identified), the FARC 117 persons, and the ELN 39 persons.

Kidnapping for ransom remained a major source of revenue for both the FARC and ELN. The FARC continued to hold political and foreign-born hostages taken in previous years.

On July 2, the armed forces rescued three U.S. contractors and 12 Colombians held by the FARC. The FARC continued to hold 25 political hostages, as well as an estimated 700 economic hostages. The military liberated 222 hostages during the year.

Physical Abuse, Punishment, and Torture.—According to preliminary reporting from the Presidential Program of Integrated Action Against Anti-personnel Mines, 410 landmine explosions killed 146 persons and injured 565 others during the year, compared with 187 killed and 687 injured in 2007; 506 of the victims were military personnel, while 205 were civilians. The International Campaign to Ban Landmines

stated that the FARC continued to be the largest individual user of landmines and that the ELN also continued to use landmines.

Child Soldiers.—Guerrillas and illegal armed groups used children as soldiers. The Ministry of Defense continued to believe that more than 4,600 FARC members and more than 1,300 ELN members were minors and that most guerrilla fighters had joined the guerrilla ranks as children. Human Rights Watch reported that in 2003 there were approximately 11,000 child soldiers and that the FARC, ELN, and the new armed groups have continued recruitment since then.

Other Conflict-Related Abuses.—Guerrillas failed to respect injured and medical personnel. Both the FARC and the ELN frequently executed injured prisoners, threatened and harassed doctors and nurses, and killed enemy combatants receiving medical care.

On April 16, members of the FARC in Yarumal, Antioquia, attacked a military ambulance and killed the two injured soldiers inside.

On July 18, in Tibu, Norte de Santander, FARC members intercepted an ambulance with an injured civilian and killed the driver; the civilian died of his original injury due to lack of medical assistance.

On December 7, in San Vicente de Caguan, Caqueta, FARC members attacked a medical mission, killing eight, including two civilian medical workers from the Colombian Family Welfare Institute.

New illegal groups also prevented or limited the delivery of food and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement.

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or new illegal group collaborators from strategic zones. Guerrillas also imposed de facto blockades of communities in regions where they had significant influence. For example, the National Indigenous Organization of Colombia (ONIC) reported many incidents in which illegal armed groups forcibly recruited indigenous people or obligated them to collaborate, restricted their freedom of movement, and blockaded their communities in Choco, Norte de Santander, Narino, and other departments.

Paramilitary members who refused to demobilize and new illegal groups continued to displace civilians residing along key drug and weapons transit corridors.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without restriction. A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely.

Government security forces and corrupt officials occasionally subjected journalists to harassment, intimidation, or violence.

Members of illegal armed groups intimidated, threatened, kidnapped, and killed journalists. National and international NGOs reported that local media representatives regularly practiced self-censorship because of threats of violence. One journalist went into voluntary exile during the year; at year's end 146 were receiving protection from the Ministry of the Interior and Justice's protection program, and the Government was investigating the threats.

According to the NGO Foundation for Press Freedom, there were 72 death threats against journalists during the year, compared with 85 in 2007 (See Section 1.g.). Two of those threatened left the country due to the threats. There were no journalists killed due to their profession during the year.

The Ministry of the Interior and Justice operated a program funded at 112.5 billion pesos (approximately \$45.7 million) that provided protection to 10,716 persons, including 154 media representatives. The ministry also supported an alert network organized for journalists by providing a small number of radios and an emergency telephone hotline.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that in 2007 there were 26 users of the Internet per 100 inhabitants.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their enemies through both violent and non-

violent means. New illegal groups and FARC and ELN guerrillas threatened, displaced, and killed educators and their families for political and financial reasons. According to the Vice President's Office, various assailants killed 30 educators during the year. Threats and harassment caused many educators and students to adopt lower profiles and avoid discussing controversial topics.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against NGOs, indigenous groups, and labor unions (See Section 1.g.).

Although the Government does not prohibit membership in most political organizations, membership in organizations that espoused or carried out acts of violence, such as the AUC, FARC, and ELN, was illegal.

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

The Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the state is required for non-Catholic religions to minister to their adherents in public institutions and to perform marriages recognized by the state. When deciding whether to grant accession, the Government considers a religion's total membership, its degree of popular acceptance within society, and other relevant factors.

Societal Abuses and Discrimination.—New illegal groups and FARC and ELN guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although often for their role as community leaders rather than for religious reasons (See Section 1.g.). Four non-Catholic pastors disappeared in the second half of the year. The Presidential Program for Human Rights reported that illegal armed groups, especially the FARC, made numerous threats against priests and other religious workers.

The Jewish community had an estimated 4,000 members. Increased reports of anti-Semitism continued, including graffiti painted on the exterior walls of synagogues and anti-Semitic statements in pamphlets published by small anti-Semitic organizations.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and while the Government generally respected these rights in practice, there were exceptions. Military operations and occupation of certain rural areas restricted freedom of movement in conflict areas.

New illegal groups, paramilitaries that refused to demobilize, and FARC and ELN guerrillas continued to establish illegal checkpoints on rural highways, but an enhanced government security presence along major highways reduced the number of kidnappings.

The law prohibits forced exile, and the Government did not employ it. However, many persons went into self-imposed exile because of threats from new illegal groups and FARC and ELN guerrillas.

Internally Displaced Persons (IDPs).—The internal armed conflict, especially in remote areas, was the major cause of internal displacement. International organizations and civil society identified various factors driving continuing displacement including confrontations between security forces, terrorists, and new illegal groups, greater competition among illegal armed groups for resources, and threats and violence from new illegal groups. Most IDPs were rural peasants displaced to cities. Estimates of the numbers of IDPs varied. Accion Social, the Government's internal welfare and foreign coordination agency, registered 325,162 newly displaced persons at year's end, a number expected to rise as regional reporting was incorporated into its database. (By the end of 2008, Accion Social's revised 2007 registration count was 353,657.) The department of Narino registered the highest number of IDPs (22,531), followed by Magdalena (18,823), Antioquia (18,015) and Tolima (15,902). The NGO Consultancy for Human Rights and Displacement (CODHES) estimated that 270,675 persons were displaced during the first six months of the year, a 41 percent increase compared with CODHES' estimate for the same period in 2007.

The Government has registered a total of 2.8 million IDPs since 1995, while CODHES estimated that as many as 4.3 million persons have been displaced since 1985. The Government registered new IDPs whose applications for recognition had been accepted, while CODHES estimated new displacements based on information from the media, civil society, and field work. CODHES also included as IDPs an un-

determined number of coca and opium poppy producers who migrated in response to government drug eradication efforts, as well as those who migrated due to poor economic conditions resulting from the armed conflict. During the year the ICRC provided assistance to 73,258 newly displaced persons, 14,514 persons from massive displacements (groups of 50 or more persons or 10 or more families) and 58,744 persons in individual displacements.

New illegal groups and FARC and ELN guerrillas continued to use forced displacement to gain control over strategic or economically valuable territory, weaken their opponents' base of support, and undermine government control and authority. Illegal armed groups also used landmines and roadblocks to confine entire villages in order to protect illicit crops and to prevent pursuit by state security forces. The FARC and ELN continued to use force, intimidation, and disinformation to discourage IDPs from registering with the Government; guerrilla agents often infiltrated IDP receptor communities.

During the year the Government registered 8,736 new IDPs who identified themselves as indigenous and 28,995 new IDPs who identified themselves as Afro-Colombian. ONIC estimated the number of displaced indigenous people to be much higher, since many indigenous people did not have adequate access to registration locations due to geographic remoteness, language barriers, or unfamiliarity with the national registration system. CODHES estimated that 21 percent of the displaced population was Afro-Colombian. According to UNHCR, indigenous and Afro-Colombian groups were disproportionately affected by displacement.

The Government, international humanitarian assistance organizations, and NGOs observed that the rate of mass displacements remained approximately the same during the year. According to Accion Social, the departments with the highest numbers of IDPs from massive displacements were Narino with 4,831, Arauca with 2,541, Cauca with 2,438, and Choco with 2,128. The assistance organizations pointed out, however, that the emergency response to mass displacements was becoming more difficult and costly to mount as the increased security in cities and towns meant displacements were now taking place in more remote locations. Additionally, the continuing high volume of displacement claims received by the Government frequently delayed by several weeks or months assistance to persons displaced individually or in smaller groups. Intense fighting in conflict zones, including areas in the departments of Antioquia, Arauca, Cauca, Narino, Putumayo, and Norte de Santander, often prevented national and international aid organizations from accessing newly displaced populations.

According to Accion Social's national IDP registry, Narino and Cauca, home to many Afro-Colombian and indigenous people, were among the departments most gravely affected by forced displacements during the year. In August, for example, the UN Office of the Commissioner for Humanitarian Affairs (OCHA) reported that confrontations between the new illegal group, Organizacion Nueva Generacion, and the armed forces displaced more than 1,000 persons from the Policarpa area in Narino. OCHA also reported in August that FARC and ELN incursions and confrontations with the armed forces displaced approximately 1,300 persons from villages around the town of Lopez de Micay, Cauca.

OCHA, the ICRC, and the UNHCR reported on several other mass displacements in other departments throughout the year. On August 14, OCHA reported that nearly 300 Embera indigenous people in the rural area of Alto Baudó in the department of Chocó fled their homes to escape abuses and threats from members of a new illegal group known as Los Rastrojos. OCHA reported that FARC threats and pressure against manual coca eradication efforts in the area displaced nearly 4,000 persons in February, approximately 800 persons in April, and more than 2,000 persons in July from rural villages near the Antioquia towns of Ituango, Taraza, and Valdivia. In January threats in the department of Arauca by both FARC and ELN guerrillas and new illegal groups displaced more than 2,000 persons, many of them from the Gauibos and the Siriri-Catleya indigenous communities, to the municipalities of Tame and Saravena near the Venezuelan border, according to the ICRC and the UNHCR.

CODHES also reported in November that at least seven IDP community leaders were killed in the first six months of the year. On June 29, for instance, unknown assailants shot and killed Martha Cecilia Obando, an active IDP leader in the locally displaced and Afro-Colombian communities in Buenaventura, Valle de Cauca, who had recently voiced concerns about perceived corruption by local authorities and had openly criticized attacks on the community by local criminal groups. On November 28, Carlos Rodolfo Cabrera Huertas, the leader of an IDP association and a member of an IDP municipal committee in the Arauca department, was murdered. On December 1, Alfredo Jaraba and his wife Luz Mary Lopez, both members of an IDP organization, and two of their children were killed in Cartagena.

The Government budgeted approximately 1.25 trillion pesos (approximately \$508 million) to provide assistance to IDPs during the year. Assistance was delivered through Accion Social, the Colombian Family Welfare Institute (ICBF), the Ministry of Social Protection (MSP), and other governmental ministries and agencies.

Despite several government initiatives to enhance IDP access to services and knowledge of their rights and notable improvements in meeting the social and economic needs of IDPs, many IDPs continued to live in unhygienic conditions with limited access to health care, education, or employment. Several international organizations and domestic nonprofit groups, such as the International Organization for Migration (IOM), the ICRC, and the Colombian Red Cross worked with the Government to provide emergency relief and long-term assistance to displaced populations.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing assistance to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Government reserved the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. According to the Government, as of September 145 recognized refugees resided in the country, and two refugee cases were approved and 11 rejected during the year.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of nearly universal suffrage. Active duty members of the armed forces and police may not vote or participate in the political process. Civilian public employees, although eligible to vote, may participate in partisan politics only during the four months immediately preceding a national election.

Elections and Political Participation.—In 2006 independent candidate Alvaro Uribe won a second term as president in elections that were considered generally free and fair, despite a concerted campaign by the FARC and AUC to disrupt or manipulate the outcome. The OAS electoral observation mission stated that the elections took place “in an atmosphere of freedom, transparency, and normalcy.”

In October 2007 there were local elections for governors, mayors, and department and town councils; according to the OAS electoral mission chief, the elections proceeded smoothly. Although 25 candidates were killed in the preelection period, this number was significantly lower than in previous years.

Political parties could operate without restrictions or outside interference. The Liberal and Conservative parties previously dominated politics. The reelection of President Uribe as an independent in 2006 and the second-place showing of the Polo Democrático presidential candidate, Carlos Gaviria, reflected a widening of the political arena. More than 20 political parties from across the political spectrum were represented in Congress. In 2007 Polo Democrático candidate Samuel Moreno was elected mayor of Bogotá.

New illegal groups, paramilitaries that refused to demobilize, and the FARC threatened and killed government officials (*See* Section 1.g.). According to the Presidential Program on Human Rights, three municipal council members were killed during the year, compared with 16 in 2007.

Some local officials throughout the country resigned because of threats from the FARC. A Ministry of Interior and Justice program provided protection to 295 mayors, 60 former mayors, and 2,370 council members during the first nine months of the year.

The law requires that women be placed in at least 30 percent of appointed government posts and that the Government report to Congress each year the percentage of women in high-level government positions. There were 19 women in the 102-member Senate and 17 in the 166-member House of Representatives. There were three women in the 13-member cabinet and four on the 23-member Supreme Court. Additionally, there were 11 women on the higher courts: one on the Constitutional Court, eight on the State Council, and two on the CSJ.

Two indigenous senators and one indigenous member of the House of Representatives occupied seats reserved for indigenous persons. There were no indigenous cabinet members and no indigenous persons on any of the nation's high courts.

There were three Afro-Colombian senators, one of them a woman, and seven Afro-Colombian members of the House of Representatives, two of whom occupied seats

reserved for Afro-Colombians. There was one Afro-Colombian cabinet minister; there were no Afro-Colombians on any high court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government actively prosecuted cases of governmental corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem. Drug trafficking revenues exacerbated corruption.

In December the criminal chamber of the Supreme Court sentenced Miguel Angel Bermudez, ex-governor of Boyaca, to 11 years in prison for irregularities in school and library contracts throughout the department.

The JPL process continued to expose corruption and paramilitary ties within the Government and security forces, and President Uribe urged the Supreme Court to punish public officials found guilty. The president continued funding for the Supreme Court's investigative unit, which investigated members of Congress and senior government officials.

On September 8, CNP General Antonio Gomez Mendez was dismissed as a result of alleged ties to narcotics traffickers and former paramilitary leaders.

Investigations by the Supreme Court and the Prosecutor General's Office of links between politicians and paramilitary groups implicated 70 congressmen, 15 governors, and 31 mayors. By the end of December, 33 congressmen, 22 mayors, and eight governors were in jail.

Representative Alfonso Antonio Campo Escobar of Magdalena, who resigned in June 2007, was convicted and sentenced to 10 years in prison and fined 1.72 million pesos (\$700) for collaboration with paramilitary groups. Campo accepted a five-year sentence in exchange for a guilty plea to election crimes and aggravated delinquency.

By law, public officials must file annual financial disclosure forms.

The law provides for public access to government information, and the Government generally provided such access in practice. While there are no prohibitive fees to access government information, there were reports that some low-level officials insisted on bribes to expedite access to information.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to their views, NGOs claimed that criticism from high-level officials, including President Uribe, put them at risk for retaliation by new illegal groups. Many domestic NGOs also contended that the Government arbitrarily arrested and detained human rights activists, particularly in high-conflict areas.

While the Uribe administration maintained an open dialogue with NGOs and met with them regularly during the year, NGOs complained that they had difficulty arranging meetings with government officials or receiving prompt replies to their correspondence. NGOs also complained about what they described as intolerant and hostile statements from the Government regarding the work of human rights defenders.

Several thousand human rights and civil society NGOs were registered in the country, although most existed only on paper. Local human rights NGOs had far-reaching influence. By sharing information and disseminating it to international human rights organizations and the media, they raised the country's human rights profile and contributed to significant levels of international attention.

The Government and prominent local human rights groups differed in their evaluations and analyses of the human rights situation, which led to mutual suspicion. The Government asserted that some human rights activists engaged in activities that supported terrorism (See Section 1.e.).

According to the NGO Colombian Commission of Jurists (CCJ), 11 human rights activists were killed during the year. The CCJ attributed two of the killings to paramilitaries but did not know whether the perpetrators were part of the Justice and Peace process or had refused to demobilize. Three of the killings were attributed to government security forces, and the other six were attributed to unidentified armed groups. According to an unconfirmed NGO submission to the UNHCHR, human rights defenders and labor unionists were killed after a peaceful rally against paramilitary violence on March 6. At year's end the Prosecutor General's Office had found no information supporting the NGO claim but continued investigating the cases linked to the protest.

After these demonstrations, several NGOs reported receiving e-mail threats from newly formed illegal groups. The UNHCHR expressed concern over the threats, the

Government condemned them, and investigations by the Prosecutor General's Office continued at year's end.

A Ministry of Interior and Justice program provided protection to more than 966 human rights activists during the year (*See* Section 2.a.). The Government enhanced this security at 129 NGO offices during the year.

The Government cooperated with international organizations. The UNHCR, the IOM, the International Labor Organization (ILO), the UNHCHR, and the ICRC had an active presence in the country and carried out their work without government interference.

The Government continued to meet with the UNHCHR, local NGOs, and members of the diplomatic corps to discuss steps it has taken to comply with UNHCHR recommendations on improving human rights practices. While acknowledging progress on several recommendations, the UNHCHR and local NGOs reported that the Government had not fully implemented most of them by year's end. In September 2007 the Government extended the UNHCHR's mandate for three years.

The national human rights ombudsman is independent, reports to the inspector general, and has responsibility for ensuring the promotion and exercise of human rights. During the year Congress reelected Human Rights Ombudsman Volmer Perez. The Government generally cooperated with the ombudsman, whose Bogota office was the headquarters of a national early warning system designed to alert public security forces of impending human rights violations, particularly large-scale massacres. The office was underfunded and understaffed, which limited its ability to monitor human rights violations effectively. Regional human rights ombudsmen were under constant threat from illegal armed groups.

The Presidential Program for Human Rights, which operated under the authority of the vice president, coordinates national human rights policy and actions taken by government entities to promote or protect human rights. It is the Government's primary interlocutor with domestic and international NGOs and with foreign governments on human rights issues. The program publishes the Human Rights Observer magazine, which provides analyses of major human rights issues and the human rights situation in various regions of the country.

Both the Senate and House of Representatives have human rights committees. The committees serve as forums for discussion of human rights issues but have no authority to draft legislation.

Implementation of the 2005 JPL continued. The Justice and Peace Unit in the Prosecutor General's Office is responsible for the required investigation and prosecution of demobilized persons under the law, and an interinstitutional commission on Justice and Peace was created to coordinate its implementation. Approximately 3,667 persons had been presented as eligible for the JPL, most participating in the formal demobilization process and others "demobilizing" afterward; 3,577 of these were in paramilitary organizations, including 25 of the "comandantes" and 90 from guerrilla organizations. More than 1,600 proffers or "version libres" have been taken, in which almost 20,000 crimes have been identified by the Prosecutor General's Office, over 18,000 of them homicides. There were 27,104 victims involved in the 20,000 identified crimes; defendants confessed to, and accepted, 6,000 of these crimes, involving 8,468 victims. Over 3,800 of these confessed crimes were murders. A total of 179,000 victims had registered with the Prosecutor General's Office, and 1,441 graves had been exhumed involving 1,788 persons; remains of 547 victims were identified, and 283 were returned to their families. Testimony from the voluntary confessions also triggered investigations of politicians, military members, major agricultural producers, and government officials' ties to paramilitary forces.

During the year the Government began the Program of Administrative Reparations to give reparations to victims of illegal armed groups. The Victim Protection Program under the Ministry of Interior and Justice protected 104 persons involved in the Justice and Peace process, and during the year the Government spent 1.71 billion pesos (approximately \$695,000) on the program. The National Commission of Reconciliation and Reparation maintained offices in nine cities, including Sincelejo, Barranquilla, Bucaramanga, and Medellin. The centers contained one-stop informational centers for victims and assisted victims with enrollment, and receipt of legal and psychological support.

In spite of the advances in the implementation of the Justice and Peace process, the OAS reported continuing shortfalls in victims' support and participation in the process. The OAS also reported that victims received wrong or little information about the process, that they were highly susceptible to killings, threats, and intimidation, and that government effort was uncoordinated.

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

Although the law specifically prohibits discrimination based on race, gender, disability, language, or social status, many of these prohibitions were not enforced in practice.

Women.—Although prohibited by law, rape, including spousal rape, remained a serious problem. On July 28, the president ratified a new law that increased the legal penalties for sex crimes. The law provides for sentences ranging from eight to 15 years' imprisonment for violent sexual assault. For acts of spousal sexual violence, the law mandates sentences of six months to two years and denies probation or bail to offenders who disobey restraining orders. The National Institute for Legal Medicine and Forensic Science, which reported 8,836 cases of suspected sex crimes, including rape, in the first eight months of the year, indicated that many cases went unreported. New illegal group members and guerrillas raped, sexually abused, and sometimes sexually mutilated women and children for fraternizing with the enemy, working as prostitutes, having sexual relations outside of marriage, or violating imposed codes of conduct or restrictions on dress. The ICBF provided psychosocial, medical, and legal support to victims of sexual violence.

Although prohibited by law, domestic violence, including spousal abuse, remained a serious problem. Judicial authorities may remove an abuser from the household and require therapy or reeducation. The law provides prison time if the abuser causes grave harm or the abuse is recurrent; however, provisions for fines were not applied. The National Institute for Legal Medicine and Forensic Science reported approximately 5,803 cases of domestic violence against women during the first eight months of the year but noted that only a small percentage of cases were brought to its attention for investigation and follow-up. The law stipulates that the Government must provide victims of domestic violence with immediate protection from physical or psychological abuse. The ICBF provided safe houses and counseling for victims, but its services could not meet the magnitude of the problem. In addition to fulfilling traditional family counseling functions, ICBF family ombudsmen handled domestic violence cases. The Human Rights Ombudsman's Office conducted regional training workshops to promote the application of domestic violence statutes.

Adult prostitution is legal in designated "tolerance zones," but enforcement of, and restriction to, the zones remained difficult. Prostitution was widespread and exacerbated by poverty and internal displacement. Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla, where marriage and dating services were often fronts for sexual tourism. The law prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment. Trafficking in women for sexual exploitation continued to be a problem.

The law provides measures to discourage and punish harassment at the workplace, such as sexual harassment, verbal abuse or derision, aggression, and discrimination. Nonetheless, sexual harassment remained a pervasive problem. Since the law was enacted, the Ministry of Social Protection had received 375 complaints that it investigated.

Although women enjoy the same legal rights as men, discrimination against women persisted. Women faced hiring discrimination, were disproportionately affected by unemployment, and had salaries that generally were incompatible with their education and experience. Female workers in rural areas were affected most by wage discrimination and unemployment.

The President's advisor for equality of women has primary responsibility for combating discrimination against women. The advisor ran a program to help women who were microbusiness entrepreneurs and heads of families to get favorable lines of credit for their companies. During the year the Government provided to women 6,217 microcredit loans, in the amount of 6.2 billion pesos (approximately \$2.5 million). In the first 10 months of the year, the Government held 17 seminars attended by 11,258 women on establishing microbusinesses. NGOs such as the Popular Women's Organization in Barrancabermeja, Santander, and the Women's Path to Peace in Medellin, Antioquia, promoted women's involvement and equality, particularly through peace initiatives.

Children.—The Government generally was committed to children's rights and welfare. The ICBF monitored all government child protection and welfare programs and also funded nongovernmental programs that benefited children.

Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported approximately 7,628 cases of child abuse in the first nine months of the year. The institute also estimated that approximately 40 percent of the 9,959 reported sex crimes involved sexual abuse of children, most of whom were under age 14.

According to the Inspector General's Office, 3,588 minors were reported as sexual workers, although many other cases went unreported. Children were trafficked for sexual exploitation.

Guerrillas forcibly recruited and used children as soldiers. The Ministry of Defense reported an increase in the number of minors who deserted illegal armed groups. At least 318 children (244 of them former members of the FARC) surrendered to state security forces during the year and were transferred to the ICBF, which operated a reintegration program for former child soldiers.

According to government registrations, 75 percent of IDPs were women and children. Displaced children particularly were vulnerable to physical abuse, sexual exploitation, and recruitment by criminals.

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked from, through, and within the country.

The country was a major source for trafficking in persons, primarily for sexual and labor purposes. During the year the national trafficking prevention hotline received 10,115 calls, 6.7 percent directly related to trafficking. Most calls were preventative in nature, with callers asking for information on a potential trafficking scheme. The vast majority of trafficking victims were young women, although children and young men were also at risk. Destinations and routes included Chile, Bolivia, Ecuador, Peru, Venezuela, Costa Rica, Panama, El Salvador, Mexico, Aruba, Jamaica, Trinidad and Tobago, Curacao, the Netherlands, Italy, Germany, Spain, Japan, Singapore, Portugal, Hong Kong, and the United States. Internal trafficking of women and children from rural to urban areas for sexual exploitation and forced labor remained a serious problem. Victims also transited the country from other South American countries on their way to Europe and the United States.

Many traffickers disclosed the sexual nature of the work they offered but concealed information about working conditions, clientele, freedom of movement, and compensation. Others disguised their intent by portraying themselves as modeling agents, offering marriage brokerage services, providing study programs, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting non-existent jobs abroad. The IOM and domestic NGOs estimated that international organized crime networks were responsible for most transnational trafficking. Domestically, organized crime networks, some related to illegal armed groups, were also responsible for trafficking for sexual exploitation or organized begging, and the armed conflict made a large number of internal trafficking victims vulnerable.

The law provides for prison sentences between 13 and 23 years and fines up to 1,000 times the monthly minimum wage for trafficking offenses. These penalties may be increased by up to one-third if there are aggravating circumstances, such as trafficking of children younger than 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. While limited resources hindered prosecutions, the Prosecutor General's Office continued to open new investigations and continued progress on current trials.

With the support of the IOM, the National Committee against Trafficking (composed of 14 agencies) prepared information campaigns and promoted information exchange among government agencies and began use of a database to monitor trafficking cases. The Prosecutor General's Anti-Trafficking Unit, in coordination with the Ministry of Interior and Justice, has the lead on combating trafficking. The Government cooperated with foreign counterparts on investigations.

The country's diplomatic missions worked with the IOM to repatriate victims. The IOM strengthened government institutions involved in antitrafficking efforts and assisted trafficking victims; during the year IOM and the UN Office on Drugs and Crime trained officials on specific trafficking issues and provided awareness-raising training to NGO groups. The IOM also provided victims with job training and employment opportunities, temporary emergency shelter, necessary medical and psychological care, and opportunities for social reintegration. The Hope Foundation, an antitrafficking NGO, provided educational information, social support, and counseling to trafficking victims. The Rebirth Foundation (another antitrafficking NGO) provided housing, psychosocial therapy, medical care, and legal assistance to child victims of sexual exploitation.

The IOM and the Government advertised a national hotline to prevent trafficking and report violators. The IOM worked with the Government to continue its antitrafficking public awareness campaign that included placing posters in airports, bus stations, consulates, and travel agencies, and running public service announcements on radio and television.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government sought to enforce these prohibitions. No law mandates access to public buildings for persons with disabilities, thus limiting the power of the Government to penalize those schools or offices without access, but both national and local governments tried to address this with programs aimed at improving access. The law provides persons with physical disabilities access to voting stations. The Presidential Program for Human Rights is responsible for protecting the rights of persons with disabilities.

The Colombian Association for Physical Medicine and Rehabilitation reported that only approximately 15 percent of persons with disabilities received medical attention adequate to prevent complications arising from their disabilities. According to press reports, only 7,000 of Bogota's 100,000 persons with disabilities had access to public education.

National/Racial/Ethnic Minorities.—According to the national census, approximately 4.3 million persons, or 10 percent of the population, were of African origin. However, some human rights groups and Afro-Colombian organizations estimated that there were as many as 10 million Afro-Colombians. While Afro-Colombians are entitled to all constitutional rights and protections, they faced significant economic and social discrimination. An estimated 76 percent of Afro-Colombians lived in poverty; their infant mortality rate was four times that of the general population, and the number without any education was three times higher than the national average. Choco, the department with the highest percentage of Afro-Colombian residents, had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. It also continued to experience some of the country's worst political violence, as new illegal groups and FARC and ELN guerrillas struggled for control of the department's drug- and weapons-smuggling corridor (See Section 1.g.).

On May 21, the Government launched the Commission for Advancement of Afro-Colombians, whose objective is to evaluate the socioeconomic conditions of Afro-Colombians and provide recommendations to the Government. The vice president led nine regional workshops to collect information and input from civil society. The commission also supported two university studies on Afro-Colombian issues, the first by the Universidad de los Andes was released on November 6.

Indigenous People.—The constitution and laws give special recognition to the fundamental rights of indigenous people, who comprised approximately 3.4 percent of the population, and require that the Government consult beforehand with indigenous groups regarding governmental actions that could affect them.

The law accords indigenous groups perpetual rights to their ancestral lands. Traditional indigenous authorities operated approximately 710 reservations-accounting for 30 percent of the country's territory-as municipal entities, with officials selected according to indigenous traditions. However, many indigenous communities had no legal title to lands they claimed, and illegal armed groups often violently contested indigenous land ownership.

The law provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws. Proceedings in these jurisdictions were subject to manipulation and often rendered punishments that were more lenient than those imposed by regular civilian courts. The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous people are not subject to the national military draft.

Indigenous leaders complained about the occasional presence of government security forces on indigenous reservations and asked that the Government consult with indigenous authorities prior to taking military action against illegal armed groups and guerrillas operating in or around such areas. The Government stated that for security reasons it could not provide advance notice of most military operations and that it consulted with indigenous leaders when possible before accessing land held by the communities. The law permits the presence of government security forces on lands of indigenous communities; however, Ministry of Defense directives instructed security forces to respect the integrity of indigenous communities, particularly during military and police operations. The Ministry of Defense's Integrated Policy on Human Rights stresses the importance of protecting indigenous communities.

The Ministry of Interior and Justice, through its Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous people. Ministry representatives, together with inspector general and human

rights ombudsman representatives, worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indigenous rights. The ministry is also responsible for buying land to add to indigenous reserves.

Despite special legal protections and government assistance programs, indigenous people continued to suffer discrimination and often lived on the margins of society. The indigenous were the country's poorest population and had the highest age-specific mortality rates and rates of intestinal diseases, tuberculosis, hepatitis, and malaria.

Parties in the internal armed conflict continued to victimize members of indigenous communities. In March UNHCHR reported that ethnic groups, particularly indigenous and Afro-Colombian populations, were increasingly vulnerable as a result of the internal armed conflict.

The NGO National Organization of Indigenous of Colombia claimed that government security forces were responsible for 20 extrajudicial killings of indigenous people during the year. Although complete data were not available for the year, the Presidential Program on Human Rights reported that, from 2002 to 2007, homicides of indigenous people declined 45 percent, kidnappings declined 87 percent, and displacement declined 15 percent.

On October 14, about 7,000 indigenous persons from Northern Cauca demonstrated for the return of ancestral lands and an end to accusations of indigenous-FARC links. The two-day protest led to violent clashes between security forces trying to open the blocked Pan-American Highway and protesters, leaving at least 150 injured (both protesters and police) and one dead according to the Government. The Government reported that forensic evidence proved a homemade explosive device—not the policeman filmed shooting a gun during the protests—killed the individual.

On October 20, ONIC convoked over 12,000 indigenous protesters to participate in an eight-day march to Cali. President Uribe met with indigenous groups but failed to reach an agreement, and the protesters marched to Bogota on November 21 to meet with the president again.

There were no known developments in the investigations of the 2006 beating of Wayuu indigenous community members Roberto Solano Uriana and Lorenzo Rafael Solano and the trials of seven military and civilian suspects for the 2006 killing of five members of the Awa indigenous community.

The UNHCHR continued to criticize threats and violence against indigenous communities, characterized government investigations of human rights violations against indigenous groups as inadequate, and appealed to the Government to do more to protect indigenous people.

Other Societal Abuses and Discrimination.—Colombia Diversa, an NGO focused on violence and discrimination due to sexual orientation, reported at least 41 killings during the year due to prejudice regarding sexual orientation. The Constitutional Court recognized the right of same-sex couples to pension benefits and gave greater economic rights to same-sex couples. In spite of the court rulings, Colombia Diversa reported at least three cases of pension benefits being withheld from same-sex partners. Colombia Diversa also reported cases of police abuse against persons due to their sexual orientation, with the majority of complaints coming from transgender individuals. The group also claimed that violence in prisons against persons due to their sexual orientation remained a problem.

There were no confirmed reports of discrimination towards persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize unions, and the Government generally respected this right in practice. The law does not cover members of the armed forces or police. The number of unions and union members continued to decline. Approximately 742,000 workers (4 percent of the workforce of 18.2 million) were union members. Almost 60 percent of the workforce was employed in the informal sector.

The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process. Unions claimed that this process was slow and was used to block union registration. Some union leaders claimed that forming a union was a lengthy, bureaucratic process, and that union organizers were often fired before the union was officially established. In May 2007 the MSP issued a resolution reducing wait times and implemented procedures to discipline officials for failure to comply with the regulations. Pursuant to a Constitutional Court ruling during the year, the MSP began a thorough review of union registration procedures to further simplify union registration.

Violence and discrimination against union members discouraged some workers from joining and engaging in union activities. The MSP reported that 38 trade unionists were killed during the year, compared with 26 in 2007, while the National Labor College (ENS), a labor rights NGO, reported that 46 trade unionists were killed, compared with 39 in 2007. ENS and government figures differed because of different methodological conceptions of trade union membership.

The ENS claimed that “most of the violations of the human rights of trade unionists” were associated with industrial disputes, even though they took place in the context of war and were committed, in most cases, by one of the belligerent parties.”

Teachers made up the largest percentage of union members who were victims of violence by illegal armed groups, both because they constituted 34 percent of all registered unionists and because of their presence in rural, conflict-ridden parts of the country. The MSP reported that 55 percent of all unionists killed during the year were teachers.

The Government provided protection to 10,716 at-risk individuals of whom 1,980 were union members (others protected included journalists, local leaders, and human rights advocates); the protection program received annual funding of 112.5 billion pesos (approximately \$45.7 million).

Since 2001 the Prosecutor General’s Office had prosecuted 126 cases, leading to the conviction of 247 perpetrators of violent acts against trade unionists. A special labor subunit, launched by the Government in 2006 to prosecute those who commit such acts and staffed with 19 prosecutors and 96 investigators, resolved 80 of the cases, convicting 154 individuals.

Union leaders recognized important advances made by the new labor subunit of the Prosecutor General’s Office but said more needed to be done to end impunity for perpetrators of violence against workers.

The law provides for the right to strike, and workers exercised this right in practice; however, members of the armed forces, police, and persons performing “essential public services” were not permitted to strike. The Government declared illegal four of the 12 work stoppages requested before Law 1210 moved the power to declare strikes illegal from the executive branch to the judicial branch during the year.

Before conducting a strike, public sector unions must follow prescribed legal procedures and give advance notice to their employers and local authorities. The law prohibits the use of strikebreakers. The law prohibiting public employees from striking was often ignored. Due to new legislation, employees no longer need to accept binding arbitration if they cannot reach an agreement.

There were reports that employers increasingly used temporary contracts and cooperatives—both of which are legal—to reduce nonwage costs and avoid unionization. In a work stoppage related to this issue, more than 18,000 sugarcane cutters in the department of Valle del Cauca walked off their jobs on September 15; while demands for a formal work contract with worker and union rights was not met because subcontracted workers are not covered by the labor code, the workers did negotiate an agreement with some benefit and pay increases.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively, and the Government respected this right in the private sector; however, collective bargaining was not implemented fully in the public sector. Labor unions assessed that high unemployment, a large informal economic sector, antiunion attitudes, and violence against trade union leaders made organizing difficult, which limited workers’ bargaining power in all sectors.

In 2007 the president agreed with a 2006 ILO request and a 2005 Constitutional Court ruling that public sector unions should be able to bargain collectively. A November 2007 ILO mission reported formation of a tripartite subcommittee to discuss public sector bargaining. The ILO and the Ministry of Social Protection continued working with unionists to reach agreement on implementing the collective bargaining arrangement.

Collective pacts between individual workers and their employers were not subject to collective bargaining. Collective pacts give employers the right to negotiate accords on pay and labor conditions at any time with groups of workers when no union is present or when a union represents less than one-third of the employees. Labor groups complained that employers used collective pacts, permitted by law, to discourage labor organization. There were reports that when a union presented a collective bargaining proposal, employers offered some workers better conditions and pay in exchange for their leaving the union and joining the pact, which undermined organized labor’s ability to bargain collectively.

The continued growth and prevalence of workers’ cooperatives further diminished collective bargaining because these workers were not covered by the labor code. Due to a law related to cooperatives passed in June, workers’ cooperatives were required

to register with the MSP. There were an estimated 3,939 such cooperatives with 88,137 associated workers. Workers' cooperatives were obligated to provide compensation at least equivalent to the minimum wage and the same health and retirement benefits normally offered by employers to directly hired employees.

While the law prohibits antiunion discrimination, some longstanding ILO criticisms of the labor code remained, including the practice of firing labor union workers who participate in legal strikes or work stoppages, the prohibition of strikes in a wide range of public services that are not necessarily essential, and the Government's power to intervene in disputes through compulsory arbitration to end a strike. In response to these concerns, the Congress passed bills in June that brought laws closer to ILO standards. The new laws transfer authority for declaring whether a strike is legal from the executive to independent labor judges; make binding arbitration mandatory only if both parties request it; require workers' cooperatives to pay into the social security system and benefits programs; and levy heavier fines on cooperatives that do not comply with current laws. The MSP reported numerous investigations into cooperative abuses and in November alone investigated more than 100 cooperatives at the port of Buenaventura.

While a government decree prohibits the use of workers' cooperatives as labor subcontractors, most cooperatives engaged in subcontracting, and in some cases, private sector employers forced workers to form cooperatives and were themselves managing the cooperatives' daily operations. The Government has the authority to fine labor rights violators but not to shut down repeat offenders. In practice nominal fines assessed by the Government did little to dissuade violators.

There are no special laws or exemptions from regular labor laws in export processing zones. Labor law applies in the country's 15 free trade zones where its standards were enforced.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were some reports that such practices occurred (*See* Section 6.d.).

New illegal groups and both FARC and ELN guerrillas practiced forced conscription. There were some reports that FARC and ELN guerrillas and new illegal groups used forced labor, including child labor, in areas outside government control (*See* Section 1.g.). There were also reports of forced commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—While there are laws to protect children from exploitation in the workplace, child labor remained a significant problem, particularly in the informal sector. The ICBF reported that at least 2.5 million children worked, of whom an estimated 80 percent were working illegally. By September the ICBF reported 164 complaints of labor exploitation and 280 child victims of commercial sexual exploitation. During the first semester of the year, ICBF assisted 1,958 children victimized through commercial sexual exploitation throughout the country.

The minimum age for employment is 15. Minors between 15 and 17 years of age must obtain authorization from the local inspection units of the MSP. Such minors may work only six hours per day and 30 hours per week, with no work hours past 6 p.m. Minors between 17 and 18 years of age may only work eight hours per day, 40 hours per week with no work hours past 8 p.m. Minors under age 15 may receive authorization from the local inspection unit to engage in remunerated activities in art, culture, recreation, or sport. However, the authorization establishes the maximum number of hours and specific labor conditions. For example, a minor younger than 15 may not engage in remunerated activities more than 14 hours per week. According to the National Department of Statistics, there were 11.9 million children between the ages of five and 17, of whom approximately 1.1 million worked, nearly 90 percent more than 15 hours a week in their home.

The legal minimum age for work was consistent with completing basic education; 19.9 percent of working children did not attend school. All child workers were prohibited from working at night or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Although children were prohibited from working in a number of specific occupations, including mining and construction, in practice these prohibitions largely were ignored.

Estimates of the number of children who worked in illegal mining operations varied from 10,000 to 200,000. According to the National Statistical Institute, children also worked as coca pickers or in other aspects of the illegal drug trade.

Several thousand children were forced to serve as FARC or ELN guerrilla combatants or members of new illegal groups (*See* Section 1.g.), prostitutes, or coca pickers. The minor's code provides for fines of up to 40 times the minimum monthly wage for violations of child labor laws. A violation deemed to endanger a child's life or

threaten moral values may be punished by temporary or permanent closure of the responsible establishment.

The MSP's 276 labor inspectors nationwide were responsible for enforcing child labor laws in the formal sector (which covered approximately 20 percent of the child labor force) through periodic inspections. Resources were inadequate for effective enforcement. With assistance from the ILO, the Government worked to improve cooperation among national, regional, and municipal governments through its national plan to eradicate child labor and protect working youth. The ILO's International Program on the Elimination of Child Labor operated a program to prevent children from engaging in commercial sexual exploitation, while private groups and foreign governments conducted programs to remove children from the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government establishes a uniform minimum wage every January that serves as a benchmark for wage bargaining. The monthly minimum wage, which is negotiated by a committee of representatives of business, organized labor, and the Government, was approximately 433,700 pesos (\$176), a 6.3 percent increase from the previous year. If the negotiation process fails to reach agreement, as occurred during the year for the fifth time in the last eight years, the president can set the minimum wage unilaterally. The national minimum wage did not provide sufficient income to purchase the basic market basket of goods for a family of four. Furthermore, it was difficult to enforce the minimum wage in the informal sector.

The labor code provides for a regular workweek of 48 hours and a minimum rest period of eight hours within the week. The code stipulates that workers are entitled to receive premium compensation for additional hours worked over the regular workweek of 48 hours and for work performed on Sundays. Compulsory overtime is permitted only in exceptional cases where the work is considered essential for the company's functioning.

The law provides comprehensive protection for workers' occupational safety and health, which the MSP enforced through periodic inspections. However, a scarcity of government inspectors, poor public safety awareness, and inadequate attention by unions resulted in a high level of industrial accidents and unhealthy working conditions. Workers in the informal sector sometimes suffered physical or sexual abuse. The law provides workers with the right to remove themselves from a hazardous work situation without jeopardizing continued employment, and the Government enforced this right. Nonunion workers, particularly those in the agricultural and in some parts of the flower sector, reportedly worked under hazardous conditions because they feared losing their jobs if they criticized abuses. However, the flower growers' association implemented voluntary principles on environmental and worker safety and reduced the use of pesticides by more than 60 percent.

COSTA RICA

Costa Rica, a constitutional democracy with a population of approximately 4.4 million, is governed by a president and the unicameral Legislative Assembly directly elected in free multiparty elections every four years. In 2006 Oscar Arias Sanchez of the National Liberation Party (PLN) won the presidency in elections that generally were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, the following human rights problems were reported: substantial judicial process delays, particularly in pretrial detention and civil and labor cases; excessive penalties for violations of libel laws; domestic violence against women and children; child prostitution; trafficking in persons; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, on June 14, three officers from the security forces allegedly assisted in killing two persons. Authorities released one of the officers after two surviving victims could not identify him. The other two suspects remained under investigation for aggravated homicide. Authorities administratively suspended them from their jobs without pay for six months and held them in preventive detention that continued at year's end.

In September, based on a finding of excessive use of force, the Ministry of Public Security dismissed from duty the officer involved in the April 2007 death of a robbery suspect following a confrontation with security guards and then with police. The judicial investigation into the case and an administrative appeal continued at year's end.

The Criminal Tribunal of the Second Circuit declared innocent and released two former police officers who were arrested in 2006 for assisting in the 2005 revenge killings of three persons. An appeal was pending at year's end. The Ministry of Public Security dismissed the officers for unrelated reasons.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits such practices and the Government generally respected this prohibition, some members of the security forces committed abuses. Any statement obtained through violence is invalid, and the Government investigated, prosecuted, and punished agents responsible for confirmed cases of abuse.

On August 6, a San Jose municipal police officer beat a woman during a raid on illegal street vendors. A municipal police administrative investigation resulted in a written warning to the officer that conditioned renewal of his contract on future behavior.

On June 11, the Ministry of Public Security exonerated two police officers who had been charged in June 2007 with abuse of authority and robbery because the man who raised the complaint against them failed to appear at the hearing.

In November 2007 the Third Chamber of the Supreme Court acquitted four police officers who had been found guilty by a lower court in 2005 of abuse of authority for beating a suspect who resisted arrest.

As of December the Ombudsman's Office received 31 complaints of police abuse (21 from prisons, seven from citizens, and three from migrants). Ten cases were closed by year's end, all from prisons. In the prison-related cases, the Ombudsman's Office recommended that prison authorities take action to protect and respect prisoner rights. The ombudsman conducts investigations as a preliminary step, with any recommendation for action forwarded to the respective agency for investigation or follow-up.

On September 11, a trial court acquitted two public security officers accused in the 2005 incident in which two guard dogs attacked a Nicaraguan; the security officers allegedly witnessed the incident but did not intervene.

Prison and Detention Center Conditions.—Although the Government continued to improve prison conditions during the year, isolated cases of overcrowding, as well as poor sanitation, lack of health services, and violence among prisoners remained problems in some prison facilities. The Ombudsman's Office investigated all complaints and referred serious cases of abuse to the public prosecutor. Illegal narcotics were readily available in the prisons, and drug abuse was common.

By year's end, expansion at several prison facilities reduced the countrywide prison population to 2 percent below the system's total capacity. As of December 31, the San Sebastian, Pococi, San Carlos, Cartago, and Gerardo Rodriguez (San Rafael) prisons remained overcrowded, with the main problem among the population in pretrial detention. San Sebastian, where most prisoners in pretrial detention were held, housed 701 prisoners in an unsanitary facility with a capacity of 588. To alleviate these conditions, some pretrial detainees were held with convicted prisoners in long-term detention facilities throughout the country.

Medical care at most facilities generally was adequate for routine illnesses and injuries. However, prisoners were referred to the social service system for complex medical issues, such as HIV/AIDS, with consequent treatment delays.

Prisoners generally were separated by gender and level of security (minimum, medium, and maximum), but overcrowding sometimes prevented proper security-level separation.

The Government permitted independent monitoring of prison conditions by international and local human rights observers, including representatives from the Ombudsman's Office. Human rights observers were allowed to speak to prisoners and prison employees in confidence and without the presence of prison staff or other third parties.

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

Role of the Police and Security Apparatus.—The country has no military. The Ministry of Public Security was responsible for the general police force, the drug control police, the border police, and the coast guard. The Ministry of Public Works and Transportation operated the traffic police. The Government had mechanisms in

place to investigate and punish abuse and corruption. However, court backlogs and an antiquated legal system greatly slowed such action. There were no reports of impunity involving the security forces during the year, but the police forces' effectiveness was hampered by inadequate funding, equipment, and training and by lack of police professionalism.

Although 13 agencies have a security force, including the Judicial Investigative Police (OIJ) and the traffic police, the main "public force" is within the Ministry of Public Security. Citizens may report abuse of authority or police corruption through various accessible mechanisms. Officers are entitled to a disciplinary investigation, an oral hearing, and a board review in administrative cases. For criminal charges, cases go to the judicial branch.

In August the Ministry of Public Security announced that it had 1,500 open disciplinary cases against police officers for charges ranging from unauthorized absence to drug use and corruption. During the first seven months of the year, the ministry fired nine police officers for corruption.

Arrest and Detention.—The law requires issuance of judicial warrants before making arrests, except where probable cause is evident to the arresting officer. The law entitles a detainee to a judicial determination of the legality of detention during arraignment before a judge within 24 hours of arrest. The law provides for the right to bail and prompt access to an attorney and to family members, and the authorities generally observed these rights in practice. Indigents are provided a public attorney at government expense; in practice even those with sufficient personal funds were able to use the services of a public defender. With judicial authorization, the authorities may hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days.

A criminal court may hold suspects in pretrial detention for periods of up to one year, and the Court of Appeals may extend this period to two years in especially complex cases. The law requires that cases of suspects in pretrial detention be reviewed every three months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, at year's end there were 2,099 persons in pretrial detention, representing approximately 15 percent of the prison population.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The legal system faced many challenges, including significant delays in the adjudication of civil disputes and a growing workload.

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

All trials, except those that include juvenile defendants, are public. There are no jury trials. A trial is presided over by a single judge or by a three-judge panel, depending on the potential penalties arising from the charges. Trials that involve victims or witnesses who are minors are closed during that portion of the trial where the minor is called to testify. Accused persons can select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent. The law provides for detainee and attorney access to government-held evidence, and defendants can question witnesses against them and present witnesses on their behalf. Defendants enjoy a presumption of innocence and, if convicted, have the right of appeal. The law extends these rights to all citizens.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters where lawsuits, including human rights violations, are brought. Administrative and judicial remedies for alleged wrongs are available. On January 1, the Contentious Administrative Procedural Code, which provides for expedited court proceedings as well as oral procedures in civil cases between citizens and the Government, entered into force.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such practices, and the Government generally respected these prohibitions in practice. The law requires judicial warrants to search private homes. Judges may approve the use of wiretaps in investigations of certain crimes, but legal guidelines are so restrictive that the use of wiretaps was rare.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Property rights were irregularly enforced, and duplicate registrations occurred.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press. There were seven major privately owned newspapers and several periodicals, two privately owned television networks, and more than 100 privately owned radio stations, all of which pursued independent editorial policies. There was also a public radio and television system and a public university weekly newspaper.

Journalists and media company owners continued to criticize legislation that imposes criminal penalties, including lengthy jail sentences instead of civil fines, for common press infractions and argued that such legislation promoted self-censorship.

The law does not require reporters to reveal the identity of a source in any civil or criminal trial if the source has requested confidentiality. Reporters may defend themselves against libel charges by claiming that they were merely repeating a story published by foreign media. Libel convictions are punishable with fines or jail time.

The law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Media managers considered that it was difficult to comply with provisions of this law. The provisions outline a series of “insult laws” that establish criminal penalties of up to three years in prison for those convicted of insulting the honor or decorum of a public official. The law also identifies defamation, libel, slander, and calumny as offenses against a person’s honor that can carry criminal penalties.

In December 2007 the Criminal High Court of Appeals upheld a lower court ruling that acquitted two journalists of defamation in reporting about a police officer who was under investigation for extortion. However, the judges ruled that the police officer’s reputation was harmed as a result of inaccurate reports and ordered the accused journalists to pay civil compensation to the officer.

On August 19, a court of appeals upheld the December 2007 conviction and sentence of two of the defendants in the 2001 killing of radio host Parmenio Medina. In December a tribunal decreased the sentence for a third defendant from 15 to eight years.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that there were 33 Internet users per 100 inhabitants in 2007.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom.

The Commission on Control and Rating of Public Performances rates films and has the authority to restrict or prohibit the showing of films deemed pornographic or violent in nature or likely to incite crime or vice. The commission has similar powers over television and radio programs and stage plays. In addition the commission regulates the sale and distribution of written material deemed pornographic, enforcing specific packaging and display regulations. A tribunal reviews appeals of the commission’s actions.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution establishes Roman Catholicism as the state religion and requires that the state contribute to its maintenance.

Besides notaries public, only officials of the Catholic Church may perform marriages that are automatically recognized by the state. Other religious groups can perform wedding ceremonies, but the marriage must be legalized by a civil union, or couples may choose a civil union only.

Immigration law contains procedures for missionaries and religious workers to seek temporary residency permits. A subsequent accord exempts Catholics. In June 2007 the Government agreed with the Evangelical Alliance Federation to facilitate the temporary residency application process for non-Catholics. Non-Catholic leaders asserted, however, that substantial processing delays were common and some cases were never resolved.

Religious organizations must submit applications to the local municipality to establish a place of worship and must comply with safety and noise regulations established by law. The Evangelical Alliance Federation reported that the Government continued to close some non-Catholic churches for noise and other code violations.

Societal Abuses and Discrimination.—There were a few minor reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including two reported instances of anti-Semitic graffiti during the year. In one instance where authorities were notified, the Government authorized immediate removal. There were an estimated 2,800 Jews in the country.

Although an executive order specifically allows non-Catholic clergy to enter government-controlled spaces (such as public hospitals and prisons) as Catholic clergy are permitted to do, non-Catholic leaders reported that some security guards denied entry to non-Catholic clergy, thereby preventing their ministering to followers.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law requires that adults carry national identification cards at all times. Persons who fail to produce such documents at security checkpoints may be detained until their identity and immigration status are verified.

The constitution prohibits forced internal or external exile, and it was not used in practice.

Protection of Refugees.—The law and a series of executive decrees provide for the granting of asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum and cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

On August 25, the Government signed an accord with the UNHCR to reestablish the Refugee Office (closed since 2005, scheduled to reopen in 2009) within the General Directorate of Immigration. The General Directorate is in charge of refugee status determination. The law requires claims to be adjudicated within three months of receipt. In practice, however, decisions took up to a year.

According to the UNHCR, there were approximately 11,800 recognized refugees in the country at year's end, the majority from Colombia, as well as 300 asylum seekers. The Migration Ministry reported 8,266 refugees at year's end. (The difference can be attributed to the fact that once refugees obtain permanent residency in the country, the ministry no longer counts them as refugees.) There were also 5,500 "persons of concern" in need of international protection.

The Migration Ministry reported that 387 of 940 asylum requests, or 41 percent, were approved during the year. This represented an increase over 2007 when the ministry approved 20 percent of the cases. Observers suggested the increased approval rate—which remained under half the requests—could be due to a changing profile of persons requesting asylum. Observers remained concerned about restrictive asylum procedures and inadequate training for adjudication staff.

The UNHCR worked to counter the incorrect perception of Colombian refugees as narcotics traffickers, criminals, and members of the Revolutionary Armed Forces of Colombia by placing opinion columns in the local press and meeting with appropriate government officials. A Colombian women's refugee group also launched a public awareness campaign.

Stateless Persons.—There were occasional problems of statelessness in the border areas with Panama and Nicaragua. Members of the Ngobe-Bugle indigenous group from Panama came to work on Costa Rican plantations, and sometimes their children were born in fields. In these cases the children were not registered as Costa Rican citizens because the families did not think it necessary to register the births, but when the families returned to Panama, the children were not registered there either. A similar problem occurred with Nicaraguan families that migrated to work on Costa Rican coffee plantations. The Government attempted to advise the migrant population to register at birth children born in the country.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage and by secret ballot every four years. The independent

Supreme Electoral Tribunal ensured the integrity of elections, and the authorities and citizens respected election results. Presidents may seek reelection after sitting out two subsequent four-year terms, and assembly members may seek reelection after at least one term out of office. Political parties operated without restriction or outside interference.

Elections and Political Participation.—In the 2006 national elections, Oscar Arias of the PLN won the presidency in elections that generally were considered free and fair. In October 2007 the country held a national referendum on joining the U.S.-Central America-Dominican Republic Free Trade Agreement, which was considered to be generally free and fair. The Supreme Electoral Tribunal reviewed a few complaints of fraud and determined they were unfounded.

The Supreme Electoral Tribunal requires that a minimum of 40 percent of candidates for elective office be female and that women's names be placed accordingly on the ballots by party slate. The first vice president (who was also the minister of justice) and the ministers of government, police and public security, science and technology, health, culture, housing, and public works and transportation were women, although the first vice president resigned in October to run for president. There were 20 women in the 57-seat Legislative Assembly, including nine legislative committee chairwomen and the head of one of the four major party caucuses.

Indigenous persons did not play significant roles in politics or government except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. There were no indigenous members in the Legislative Assembly or the cabinet. There was one black member in the assembly but none in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. However, the World Bank's worldwide governance indicators reflected that government corruption was a problem, and there were isolated reports of such corruption during the year.

Public officials are subject to a law against corruption and illicit enrichment in the public service. This law requires senior officials to submit sworn declarations of income, assets, and liabilities. The public ethics prosecutor, the comptroller general, the attorney general, and the ombudsman are all responsible for combating government corruption. The main function of the public ethics prosecutor is to take the administrative steps necessary to prevent, detect, and eradicate corruption and to raise ethical and transparency standards in the public service.

The Government continued to pursue allegations of corruption against the executive branch. In August the housing minister resigned following controversy over using a foreign donation, designated to build housing for the poor, to pay fees to various government consultants and to purchase equipment. In September the Comptroller's Office filed a legal complaint with the Prosecutor's Office against the minister and others allegedly responsible for improperly administering the donation.

Previous investigations of two former presidents, Rafael Angel Calderon and Miguel Angel Rodriguez, resulted in indictments for separate and unrelated earlier cases of corruption. In the Calderon case, the trial began on November 3. In the Rodriguez case, a trial date was pending.

The law provides for public access to government information, and the Government generally respected this right. Government institutions published reports that detailed the year's activities. The Ombudsman's Office operated a Web page dedicated to enhancing transparency by improving citizens' access to public information. On September 5, the Constitutional Chamber of the Supreme Court required the Government to give journalists information concerning negotiations for the purchase of Costa Rican bonds by China.

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

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

The Ombudsman's Office has six regional offices and more than 150 staff to oversee government action or inaction that affects citizens' rights and interests. The ombudsman is accountable to the Legislative Assembly, which appoints him or her to a four-year term and funds office operations. The ombudsman participates in the drafting and approval of legislation, promotes good administration and transparency, and reports annually to the assembly with nonbinding recommendations. The position carried a strong moral and symbolic weight in the country.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these prohibitions effectively.

Women.—The law criminalizes rape and provides penalties from 10 to 18 years in prison for rape and two to 10 years in prison for statutory rape. The length of the sentence depends on a victim's age and other factors, such as an assailant's use of violence or position of influence over the victim. The judiciary effectively enforced the rape law and provided due process for both victim and defendant. According to the autonomous National Institute for Women (INAMU), the rape law applies to spousal rape, although spousal rape cases in practice were much more difficult to prove.

Authorities acknowledged that many known rape cases were not investigated due to reluctance by the victim or family of the victim to press charges against the perpetrator. According to the judicial branch's statistics office, 413 cases were tried during 2007, with 180 persons sentenced for rape or attempted rape.

The Government continued to identify domestic violence against women and children as a serious and growing societal problem. The law prohibits domestic violence and provides measures for the protection of domestic violence victims. Criminal penalties range from 10 to 100 days in prison for aggravated threats and up to 35 years in prison for aggravated homicide, including a sentence of 20 to 35 years for men who kill their partners. If the offender has no violent criminal record and the sentence received is less than three years' imprisonment, the law also provides for alternative sanctions, such as weekend detentions, and assistance, such as referrals for social services. In October the Constitutional Chamber of the Supreme Court declared unconstitutional two articles of this law that punished physical and emotional violence against women, citing vagueness in their wording. Protection from minor injuries continues under the criminal code.

INAMU reported that 37 women and girls were killed in incidents of domestic violence during the year, compared with 16 victims in 2007 and 35 victims in 2006. INAMU maintained a domestic abuse hotline connected to the 911 emergency system and provided counseling to 6,263 women. According to the judicial branch's statistics office, in 2007 authorities opened 5,145 cases of domestic violence throughout the country.

The public prosecutor, police, and ombudsman had offices dedicated to domestic violence problems.

Prostitution is legal for persons age 18 and above and was practiced openly throughout the country, particularly in areas with heavy concentrations of foreign tourists. The penal code prohibits individuals from promoting or facilitating the prostitution of persons of either sex, regardless of the person's age, and the penalty is increased if the victim is less than 18 years old. There are no specific laws against sex tourism, which was growing; however, law enforcement agencies initiated investigations under existing legislation. The Government and several advocacy groups also continued awareness campaigns publicizing the dangers of sex tourism and its association with child sexual exploitation.

The law prohibits sexual harassment in the workplace and educational institutions, and the Ministry of Labor and Social Security generally enforced this prohibition. The law imposes penalties ranging from a letter of reprimand to dismissal, with more serious incidents subject to criminal prosecution. The Ombudsman's Office received 108 complaints of sexual harassment in the workplace during the year.

The law prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. The Government maintained offices for gender issues in most ministries and parastatal organizations. The Labor Ministry was responsible for investigating allegations of gender discrimination. INAMU implemented programs that promoted gender equality and publicized the rights of women.

In August the Constitutional Chamber of the Supreme Court ruled that pregnant women who are required to pay alimony must comply; however, pregnant women and women in the first 12 months after giving birth cannot be arrested for not complying with an alimony order.

In July the Census Institute reported that women represented 39.1 percent of the labor force. Approximately 4.2 percent worked in agriculture, 13.1 percent in manufacturing, and 82.7 percent in the service sector. According to a 2007–08 UN Development Program (UNDP) report, women occupied 40 percent of professional and technical positions and 25 percent of high-level legislative, senior official, and managerial positions. The law requires that women and men receive equal pay for equal work; however, the UNDP report estimated that earned income for women was ap-

proximately 53 percent of earned income for men. This proportion reflected the fact that most women's jobs were in traditionally lower-paid sectors (domestic and clerical rather than professional or industrial).

Children.—The Government was committed to children's rights and welfare through systems of public education and medical care.

Abuse of children remained a problem. For 2007 the judicial branch's statistics office reported 742 cases of sexual abuse of minors, with 335 perpetrators convicted. Of these, 29 cases involved sex with minors, six involved cases of sex with minors with payment involved, and five involved the sexual corruption of minors. From January 1 to June 30, the autonomous National Institute for Children (PANI) assisted 1,488 children and adolescents, including 951 cases of physical abuse and 537 cases of sexual abuse. Traditional attitudes and the inclination to treat sexual and psychological abuse as misdemeanors occasionally hampered legal proceedings against those who committed crimes against children.

The Government, security officials, and child advocacy organizations acknowledged that commercial sexual exploitation of children remained a serious problem. PANI estimated that a significant number of children suffered from commercial sexual exploitation. Street children in the urban areas of San Jose, Limon, and Puntarenas were particularly at risk. During the first six months of the year, PANI reported that it provided assistance to minors in 62 separate cases of commercial sexual exploitation. The law against commercial sexual exploitation includes sanctions for possession of child pornography, greater protection of children less than 14 years old, and an extended statute of limitations for child abuse. In addition PANI continued programs of integral care for children and adolescents at risk and in vulnerable situations, combined with a program to help adolescent mothers return to school. The Government identified child sexual tourism as a serious problem.

There were occasional problems encountered in the registration at birth of children born of migrant parents (*see* Section 2.d.).

Trafficking in Persons.—Although the law prohibits transnational human trafficking for purposes of prostitution or forced labor, including of minors, it does not adequately address internal trafficking of adults. Lack of a comprehensive antitrafficking law inhibited the Government's ability to prosecute and convict traffickers, and prosecutors were left to rely on several criminal statutes to bring traffickers to justice. There were reports that persons, particularly women and minors, were trafficked to, from, and within the country, most often for commercial sexual exploitation.

Victims were trafficked to the country from Nicaragua, the Dominican Republic, Colombia, and Guatemala. While evidence suggested that most trafficked persons apparently remained in the country, according to the International Organization for Migration (IOM), at least one individual transited to Mexico, and a historical pattern existed for victims to transit the country en route to the U.S., Canada, Europe, and occasionally other countries. Women and children were trafficked within the country for sexual exploitation; men, women, and children also were trafficked within the country for forced labor as domestic servants, agricultural workers, and workers in the fishing industry. Traffickers often lured victims, generally from impoverished backgrounds, with a promise of secure employment and good pay.

The law explicitly criminalizes the transnational trafficking of persons for the purpose of prostitution or forced labor with a three- to six-year prison sentence, which can increase to four to ten years under aggravated circumstances. Prosecution of domestic trafficking cases was limited to crimes-usually sex offenses-that are addressed in specific statutes, such as having sex with minors or pimping. The law provides sentences of between two and 10 years' imprisonment for anyone who engages in sex with a minor and between four and 10 years' imprisonment for managing or promoting child prostitution.

As of November there were six active investigations of potential trafficking opened in the OIJ Trafficking Unit. In 2007 the OIJ opened seven new investigations into trafficking in persons and 14 cases of alien smuggling, but there was no new information available about the status of those investigations. According to the judicial branch's statistics office, in 2007 nine trafficking cases were opened and tried, two persons were sentenced, and seven persons were acquitted. In the 2007 case of trafficked Chinese nationals, authorities released the traffickers from custody after one year of preventive detention due to a lack of movement in the case.

While there were limited formal mechanisms specifically designed to aid trafficking victims, PANI provided temporary shelter services to minors that included integrated wellness and education programs. Through INAMU the Government provided emergency medical care, shelter, and legal and psychological assistance to

adult victims. In one case the Government acted quickly to intercept a victim en route to Nicaragua and provided her with assistance.

Government agencies responsible for combating trafficking and child sexual exploitation include the special prosecutor on domestic violence and sex crimes, PANI, the Foreign Ministry, the Labor and Social Security Ministry, the Public Security Ministry, the Tourism Ministry, the General Directorate of Immigration, and the OIJ, which in June established a trafficking unit with staff and office space.

The Government acknowledged the serious nature of the problem of human trafficking, especially the sexual exploitation of minors. Campaigns against child sex tourism continued, as did television and radio spots and billboard notices designed to warn young women of the dangers of commercial sexual exploitation. The Government had a national hotline for potential victims to receive information about trafficking and referred cases to PANI or to INAMU. In March INAMU and the IOM launched an antitrafficking campaign geared toward adult women, which resulted in reporting of cases and government protection of victims. In October the Government's National Coalition against Trafficking launched an antitrafficking media campaign with the UN Children's Fund (UNICEF).

The Government's 2008–10 National Plan of Action against Commercial Sexual Exploitation of Minors, which incorporates some of the recommendations by the UN Committee on the Rights of the Child, remained in effect.

The National Coalition against Trafficking, headed by the vice minister of public security and composed of governmental institutions and NGO observers, developed a formal victim referral and assistance mechanism; provided antitrafficking training to police, border guards, consuls, and personnel from other institutions; and drafted language to reform the penal code to make internal trafficking a crime. With help from UNICEF, the police academy incorporated antitrafficking training into its curriculum.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical and mental disabilities in employment, education, health care access, or provision of other state services, and there were no reports of such practices in education or in the provision of other state services. However, the Ombudsman's Office reported that, due to poor facility access and entrenched business practices, employment discrimination occurred.

Although a 1996 law mandates access to buildings for persons with disabilities and established a 10-year deadline to make necessary installations and upgrades, the Government did not enforce this provision in practice, and many buildings remained inaccessible to persons with disabilities. Public transportation services improved access slightly for persons using wheelchairs. The Ministry of Public Transportation completed an accessibility manual during the year. As of September the Ombudsman's Office received and investigated 33 complaints about violations of the law that protects equal opportunities for persons with disabilities.

The Ministry of Education continued to operate a program for persons with disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. There were 25 special education centers exclusively to assist special education students and students with disabilities, two more inside state hospitals, and an additional institute for the blind. In addition, 1,987 schools had programs to provide some support to students with disabilities, and the ministry provided special education to 14,236 students who registered in March.

National/Racial/Ethnic Minorities.—According to the 2000 census, the country's population included 72,784 blacks, who mostly resided in the province of Limon and who enjoyed full rights of citizenship, including the protection of laws against racial discrimination. During the year there were two reports to the Ombudsman's Office of racial discrimination against blacks. Approximately 6 percent of the resident black population was foreign born.

There were sporadic reports of discrimination, usually directed against Nicaraguans, but there were no government-endorsed patterns of discrimination.

Undocumented immigrants received medical care, including prenatal and maternity care, at public health centers. However, they sometimes were denied discretionary or long-term medical care because they were not participants in the national health care insurance program.

Indigenous People.—The 2000 census recorded 63,876 indigenous persons from eight ethnic groups, accounting for 1.68 percent of the population. While indigenous persons were not subject to official discrimination, social and health network gaps

diminished their quality of life. The Ombudsman's Office attributed this to a lack of social development policies.

Seventy-three percent of the indigenous population lived in traditional communities on 24 reserves, which because of their remote locations often lacked access to schools, health care, electricity, and potable water. The Housing Ministry estimated that only 27 percent of the indigenous population lived in homes considered to be in good condition, mainly due to reluctance to move from huts into more modern housing. Few government health care facilities were established in indigenous reserves. The law nominally protects reserve land as the collective, nontransferable property of the indigenous communities. Some indigenous landowners, however, illegally sold their land to nonindigenous persons to pay off debts. The Ombudsman's Office unit dedicated to investigating violations of the rights of indigenous persons sought to return reserve land to indigenous groups. As of December the Ombudsman's Office received 13 complaints of discrimination against indigenous rights, including problems related to documentation; community development; and the right to be consulted about national legislation that might affect indigenous life, territories, or culture.

At year's end nonindigenous property owners continued to hold title to land on approximately 40 percent of the reserves legally set aside for indigenous occupation. The law requires that the Government purchase all preexisting land titles within the reserves in order to secure exclusive use and ownership rights for indigenous populations.

Other Societal Abuses and Discrimination.—There are no laws prohibiting discrimination against persons based on sexual orientation. As of December the Ombudsman's Office reported receiving one complaint of discrimination based on sexual orientation; the Ombudsman's Office ruled in favor of the institution involved. At year's end a law recognizing same-sex marriage was under discussion in the legislature.

Discrimination based on HIV/AIDS is prohibited by law and by presidential decree in health care, employment, and education. The Ombudsman's Office received one complaint of a breach of patient confidentiality during the year; the claim was dismissed because it could not be substantiated.

Section 6. Worker Rights

a. The Right of Association.—The law specifies the right of workers to join unions of their choosing without prior authorization, and workers exercised this right in practice. The law also provides for the right not to join a union or to leave a union and prohibits infringement of that right. In July 2007 the Ministry of Labor and Social Security reported that approximately 16 percent of workers were unionized in 862 active and inactive unions, 244 of which the International Labor Organization (ILO) labeled as active.

Due to complex filing procedures and the lack of oral hearing procedures, labor grievances continued to move extremely slowly in the courts. The ILO and unions reported that antiunion activity cases took several years to reach judgment. For example, the FERTICA fertilizer workers' union case involving illegal terminations of union leaders and members has not been resolved in almost 10 years. In May the Inter-American Commission on Human Rights heard this case, including government commitments to resolve it, but there has been no visible progress.

Government conciliation centers, designed to resolve conflicts without having to hire a lawyer and to remove some cases from overcrowded court dockets, covered some areas including labor disputes. The Labor Ministry's Center for Alternative Resolution of Conflicts handled 1,144 cases during the first six months of the year, 45.7 percent of which resulted in an agreement between the parties. During 2007 the Labor Ministry's Labor Affairs Directorate provided individual conciliation assistance and handled 1,460 hearings, which resulted in 588 mediation agreements. On March 12, the Supreme Court approved the creation of a conciliation center in the judicial branch to promote dispute resolution. Trade unionists reported, however, that workers were disadvantaged in conciliation forums, because they did not have legal counsel and lacked power vis-a-vis employers. Unions asserted that in these proceedings, employer positions essentially were imposed on workers.

The law provides for the right to strike, and workers exercised this right in practice; however, unions complained of burdensome administrative requirements for a strike to be legal. The law requires that at least 60 percent of the workers in an enterprise support strike action; this requirement is considered excessive by ILO standards according to the International Trade Union Confederation's annual report released during the year. Restrictions on the right to strike apply only to essential services that concern the national economy or public health. Unions argued, how-

ever, that the Government's broad definition of "essential services" denied many workers the right to strike.

b. The Right to Organize and Bargain Collectively.—Workers exercised the constitutional right to organize and the right to voluntary collective bargaining. However, unions were concerned by a perceived pattern of firing employees who wanted to unionize. Foreign nationals are expressly prohibited from exercising direction or authority in unions.

Trade union leaders contended that the existence of worker "solidarity associations" in many enterprises displaced unions and discouraged collective bargaining. The law prohibits these non-dues-collecting associations, which often were organized by employers, from representing workers in collective bargaining negotiations or in any other way that assumes the functions or inhibits the formation of trade unions. As of September solidarity associations had approximately 352,000 members, the majority in the private sector. The Labor Ministry reported in August 2007 that 8.3 percent of the workforce was covered by collective bargaining agreements.

The ILO stated that solidarity associations in the country were unique and presented an ongoing area of concern for its Committee of Experts. According to the ILO, such associations, to the extent that they displace trade unions and discourage collective bargaining, contravened the ILO convention that establishes the total independence of workers' organizations from employers in exercising their union activities. The ILO noted that these associations were dependent on a financial contribution from the relevant employer and were financed by both workers and employers.

Labor unions accused solidarity associations of receiving direct financial assistance from employers, of permitting employers to be involved in internal association processes, and of conducting negotiations, and accused employers of requiring membership in a solidarity association as a condition for employment in a number of enterprises in the country.

The law requires employers to initiate the bargaining process with a trade union if at least 34 percent of the workforce requests collective bargaining; the Government enforced this law in practice.

Although private sector unions have the legal right to engage in collective bargaining with employers, "direct bargaining arrangements" between employers and unorganized workers occurred more commonly. During the year, at the request of the Committee of Experts, the ILO studied the apparent disproportion between the numbers of direct bargaining arrangements ("arreglos directos") and of collective agreements in the private sector and concluded that the former did not result from balanced negotiations of two independent, adequately equipped parties. According to the ILO, the direct arrangements could not be qualified as bargaining and therefore contradicted Convention No. 98.

A 2008 Observation by the ILO Committee of Experts found the 2006 action by the Constitutional Chamber of the Supreme Court, repealing sections of collective bargaining agreements between public sector unions and government agencies, to have contravened Convention No. 98. The court had stated that some fringe benefits received by certain public employees were disproportionate and unreasonable.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs). Labor unions alleged, however, that virtually every effort of EPZ workers to organize was met by illegal terminations of activists, threats, intimidation, and ultimately severances of workers under conditions of desperation and duress. Unions also claimed that employers in the zones maintained blacklists of workers identified as activists. Unions reported systemic violations of labor rights and provisions concerning working conditions, overtime, and wages in the EPZs. The ILO, confirming it found no trade unions operating in the country's EPZs, identified them as a hostile environment for organizing.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides special occupational protection for minors and establishes a minimum working age of 15 years. Adolescents between the ages of 15 and 18 may work for a maximum of six hours daily and 36 hours weekly with special permission from PANI. The law prohibits night work and overtime for minors. Activities considered to be unhealthy or hazardous typically require a minimum age of 18. In addition working minors are entitled to attend educational establishments through school arrangements and timetables adapted to their interests and employment conditions and to participate in apprenticeship training programs. According to the ILO, however, working minors ages 15 to 18 sometimes received less than the minimum wage,

which was corroborated by the chief of the Labor Ministry's Office for the Eradication of Child Labor (OATIA).

The Labor Ministry, in cooperation with PANI, generally enforced these regulations effectively through inspections in the formal sector; the regulations were not enforced effectively in the informal labor sector as a result of inadequate resource allocations by the Government.

Child labor was a problem mainly in the informal agricultural, fishing, construction, and service sectors of the economy, including among the indigenous population. For example, 80 percent of the Ngobe-Bugle group migrated from Panama for seasonal work; since all members of families traveled together, some of their children worked with the rest of the family, even though the Government offered schooling to children of migrants. Child labor also was used in domestic work and family-run enterprises. Child prostitution and other types of child sexual exploitation remained serious problems.

The OATIA, responsible for coordinating government efforts targeted at child labor, developed vocational training programs for teenagers who previously worked in dangerous jobs in the Caribbean and northern regions of the country. The OATIA continued conducting seven projects in coordination with public and private institutions. These projects were geared toward improving life and work conditions of indigenous and migrant groups, eradicating child labor, and protecting at-risk children and adolescents. The ILO's International Program on the Elimination of Child Labor continued operating as part of a seven-year regional effort to combat commercial sexual exploitation of children.

e. Acceptable Conditions of Work.—The law provides for a minimum wage set by the National Wage Council and updated annually. Monthly minimum wages for the private sector ranged from 107,883 colones (\$192) for domestic employees to 397,665 colones (\$709) for university graduates. The Labor Ministry effectively enforced minimum wages in the San Jose area but generally was not effective in enforcing the wage laws in rural areas, particularly those where large numbers of migrants were employed. The national minimum wage did not provide a decent standard of living for a worker and family.

The constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Workers generally may work a maximum of 48 hours weekly. While there is no statutory prohibition against compulsory overtime, the labor code stipulates that the workday may not exceed 12 hours. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily shift. However, agricultural workers did not receive overtime pay if they worked voluntarily beyond their normal hours. Hourly work regulations were enforced generally in the formal labor market in San Jose but poorly in rural areas and in the informal sector.

Labor unions reported overtime pay violations and mandatory overtime as common in the private sector and particularly in EPZ industries. Unions alleged that overtime was required to preserve employment and that mandatory overtime was a form of forced labor, especially when combined with violations of premium payment requirements for overtime work. Unions claimed that in some cases workers received no payment for some of their required overtime work.

While the labor and health ministries shared responsibility for drafting and enforcing occupational health and safety standards, they did not enforce these standards effectively. The law requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the Government to inspect workplaces and fine employers for violations. Most firms established such committees but did not use them effectively.

Although resource constraints continued to hinder the Labor Ministry Inspection Directorate's ability to carry out its inspection mandate, there were 3,006 inspections conducted in the first half of the year compared with 4,528 inspections in all of 2007. Workers who consider a work condition to be unhealthy or unsafe must make a written request for protection from the labor or health ministries in order to remove themselves from the condition without jeopardizing their employment.

Although labor unions acknowledged that the relevant ministries required additional resources and capacity to enforce labor rights and laws, they attributed noncompliance with labor standards, failures to inspect, and nonenforcement of laws more to a lack of political will and to the involvement of employers directly in solidarity associations and less to a shortage of resources or capacity.

CUBA

Cuba, with a population of approximately 11.2 million, is a totalitarian state formally led by President Raul Castro. In 2006 General Castro was granted provisional control of the Government by his brother, Fidel Castro, who officially resigned as president on February 19. On February 24, the National Assembly unanimously elected Raul Castro to succeed his brother as chief of state, president, and commander in chief of the Armed Forces. Fidel Castro remains officially the first secretary of the Communist Party (CP). In the January 20 elections for the National Assembly, which were neither free nor fair, the CP won as much as 98 percent of the vote and 606 of the 614 seats in the National Assembly. The Ministry of the Interior exercises control over police, the internal security forces, and the prison system.

The Government continued to deny its citizens their basic human rights and committed numerous, serious abuses. The Government denied citizens the right to change their government. At year's end there were at least 205 political prisoners and detainees. As many as 5,000 citizens served sentences for "dangerousness," without being charged with any specific crime. The following human rights problems were reported: beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and State Security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial; and interference with privacy, including pervasive monitoring of private communications. There were also severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their hometowns; restrictions on freedom of religion; and refusal to recognize domestic human rights groups or permit them to function legally. Discrimination against persons of African descent, domestic violence, underage prostitution, trafficking in persons, and severe restrictions on worker rights, including the right to form independent unions, were also problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents were not known to have committed any politically motivated killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights and pro-democracy advocates, detainees, and prisoners, and did so with impunity.

Although physical torture was rare, authorities beat, harassed, and made death threats against dissidents, both inside and outside of prison. Many were detained repeatedly, interrogated, and threatened with physical harm to themselves and their families. Some detainees and prisoners endured physical abuse, sometimes by other inmates with the acquiescence of guards, or long periods in isolation or punishment cells. Political prisoners and detainees who refused to wear the prison uniform or take part in "reeducation" activities were targeted for mistreatment.

Political prisoner Tomas Ramos Rodriguez, released on June 16 after 18 years' imprisonment, stated that in the Combinado de Este prison in Havana Province, prison authorities beat prisoners with truncheons on a near-daily basis with impunity. Families of prisoners continued to report that prison staff sometimes goaded inmates with promises of rewards to beat a political prisoner.

The Government continued to subject persons who disagreed with it to "acts of repudiation," although these incidents, especially those that occurred in front of the homes of dissidents, continued to show a marked decline. The Government targeted dissenters by directing militants from the CP, the Union of Communist Youth (UJC), Committees for the Defense of the Revolution (CDRs), the Federation of Cuban Women, the Association of Veterans of the Cuban Revolution, and other groups and individuals to stage public protests against the dissidents, usually in front of their homes. Participants shouted insults and obscenities. Mobs sometimes damaged the victim's home or property and occasionally assaulted the victim or his relatives. Leading dissidents, such as Martha Beatriz Roque, continued to receive death threats. Although the Government characterized acts of repudiation as spon-

taneous, undercover police and State Security agents were often present and clearly directed the activities, for example by threatening neighbors with job loss if they did not participate. The Government did not detain any participants in acts of repudiation, even those who physically attacked the victim, nor did police respond to victims' complaints.

In February Rodolfo Martinez Vigoa, a physician, complained to the Ministry of Public Health about the condition of the local health clinic in Artemisa as well as the salaries of its employees. On March 7, approximately 300 persons arrived at Martinez's house and shouted insults, calling him a traitor and a counterrevolutionary. The Government later stripped Martinez of his medical license.

In some cases local authorities put psychological pressure on dissidents. On July 4, prodemocracy activist Antonio Chelanes Cruz was taken in handcuffs from his home, although he offered no resistance. The local police chief reportedly stated that Chelanes Cruz would be prosecuted for "dangerousness" unless he ceased his activities for the opposition group New Republic. On July 11, the local police chief brought Chelanes Cruz before a group of neighbors and stated that Chelanes Cruz was opposed to society, lazy, and a counterrevolutionary and warned that he could be imprisoned at any time.

Children of dissidents were routinely refused entry into universities and reported that teacher and school administrators insulted them and labeled them as counterrevolutionaries in front of classmates.

Prison and Detention Center Conditions.—Prison conditions continued to be harsh and life threatening. Conditions at approximately 200 detention facilities and jails were even worse, with cells that were routinely vermin infested and lacked water, sanitation facilities, adequate ventilation, and lighting. Many prisoners spent months in isolation in narrow, dark punishment cells. The Cuban Commission for Human Rights and National Reconciliation (CCDHRN) stated that inmates reported widespread overcrowding, especially in maximum security prisons. Many cells were damp and subject to temperature extremes, provoking serious respiratory problems and arthritis. Authorities also often denied medical treatment, family visitation, adequate nutrition, exposure to natural light, pay for prisoners' work, and the right to petition the prison director.

Health conditions and hygiene at prisons were very poor. Many prisoners, such as Tomas Ramos Rodriguez, released in June after serving 17 years, said that cell floors had standing pools of water contaminated with sewage. There were several reports that toilets were essentially wooden platforms above an open sewer, with no process for treating the waste. Family members reported widespread serious disease and illnesses among political prisoners, for which the prison staff sometimes withheld treatment. Digestive disorders, dengue fever, and outbreaks of skin diseases caused by contaminated water were frequent. The family of political prisoner Ariel Sigler Amaya stated that a doctor diagnosed him as suffering from a variety of serious medical conditions due to malnutrition. According to the local NGO Council of Rapporteurs of Human Rights in Cuba (CRDHC), in March and April several inmates in Quivican prison died in a tuberculosis outbreak. A former female political prisoner stated that in the Provincial Women's Prison in Havana, tuberculosis outbreaks were common and that prisoners with tuberculosis were put in the same infirmary as pregnant inmates. The CRDHC maintained that the prison authorities did little to prevent or treat the disease. The CRDHC documented during the year several cases of prisoners who died of heart attacks and acute asthma attacks after pleading unsuccessfully for assistance for several hours. Frequently prisoners, including Tomas Ramos Rodriguez, extracted their own teeth because authorities refused to arrange dental visits.

The CRDHC reported several suicides of prisoners every month in prisons and detention centers, but the Government did not reveal information on this subject.

The Government placed some mentally healthy prisoners in cells with mentally disturbed inmates.

Some inmates resorted to self-mutilation, often to seek a transfer to a prison closer to family or to protest prison conditions. On July 18, Juan Carlos Herrera Acosta, one of the journalists arrested in 2003 and held in Holguin Provincial Prison, began a protest hunger strike by sewing his mouth shut. On July 31, prison authorities subdued him and removed the stitches.

Prison food often was inedible, and food from outside was essential to meet nutritional needs. Prisoners' typical diet consisted of undercooked rice that was often infested with worms or a mash made of soybeans and a very small amount of meat. Prisoners' relatives ostensibly were allowed to bring them 30 to 40 pounds of food at two to three-month intervals, but families reported that prison guards often prevented food deliveries. Typically, water for drinking, bathing, and flushing the hole

in the cell floor that served as the common toilet was contaminated, for example, with visible parasites.

Overcrowding was common. Typically, 40 inmates shared quarters meant for 30, so that many inmates had to sleep on bare concrete floors. Ana Rosa Ledea Rios, imprisoned in 2003 and released in 2007, stated in September that for more than 18 months she was confined with two other inmates to a cell approximately six feet in length and four feet wide, in which they ate all of their meals.

Sexual assault occurred at prisons. Reports suggested that there was a higher rate of incidence of sexual assault at female prisons. Former political prisoners speculated that the disparity in the rate of sexual assaults was due to assaults by other female prisoners as well as male guards, and because the prison community typically did not tolerate forced participation in male homosexual activity. When such assaults occurred in either male or female prison facilities, guards frequently looked the other way and failed to punish perpetrators.

The Government did not release information on the treatment of minors at either youth or adult prisons or detention centers.

Families of prisoners stated that other than some novels, they were unable to deliver reading material to the inmates. Prison officials regularly denied prisoners other rights, such as the right to correspondence.

The Government sometimes denied political detainees and prisoners pastoral visits. However, detainees stated that authorities increasingly honored written requests to see a Catholic priest.

Many political prisoners were serving sentences in prisons located long distances from their home provinces, increasing their and their families' sense of isolation. However, during the year the Government transferred seven of the political prisoners arrested in 2003 to facilities in their home provinces. In July prison authorities granted Luis Milan Fernandez, one of the 75 dissidents arrested in 2003, a weekend pass to visit his family. In September authorities allowed Oscar Biscet, another of the dissidents incarcerated in 2003, a four-hour escorted bereavement visit.

The Government did not permit independent monitoring of prison conditions by international or national human rights groups. The Government did not permit access to political detainees by international humanitarian organizations. The Government has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988.

d. Arbitrary Arrest or Detention.—Although prohibited by law, the Government effectively and frequently used arbitrary arrest and detention to harass opponents.

Role of the Police and Security Apparatus.—The Ministry of the Interior exercises control over police, the internal security forces, and the prison system. The National Revolutionary Police (PNR) is the primary law enforcement organization and generally was effective in investigating common crimes. Specialized units of the Ministry of the Interior's State Security service are responsible for monitoring, infiltrating, and suppressing opposition political groups. The PNR played a supporting role by carrying out house searches and provided interrogation facilities for State Security agents.

Members of the security forces acted with impunity in committing numerous, serious human rights abuses. While the PNR ethics code and Ministry of the Interior regulations ban police brutality, the Government did not announce any investigations into police misconduct during the year. Corruption was a problem. Human rights groups stated that because so much economic activity was illegal, and so many citizens worked in the informal economy to survive, policemen frequently used the threat of arrest to coerce bribes and kickbacks. Former political prisoner and prodemocracy activist Francisco Chaviano documented several cases in which the police assisted a prostitute in renting a room in a private home and then evicted the residents and confiscated the property, accusing the residents of being involved in "trafficking of persons."

CP officials and leaders of neighborhood CDR branches lack formal law enforcement powers but wielded considerable authority and often used it to mobilize action against anyone criticizing the Government or its leaders.

Arrest and Detention.—The law places few formal limits on police discretion to stop or interrogate citizens. Police street surveillance was heavy, and police frequently and randomly stopped cars and pedestrians for questioning. There are no formal protections under the law to protect citizens from these investigative stops, and there were many reports that such stops increased during the year.

Police have broad detention powers, which they may exercise without a warrant. Under the law, police can detain without a warrant not only persons caught in the act but also someone merely accused of a crime against state security. Police by law cannot conduct a search without a warrant, but both the CCDHRN and human

rights lawyer Rene Gomez Manzano reported that police always had available a supply of signed and stamped blank warrants that they merely filled out on the spot.

The criminal process begins with the filing of a criminal complaint by either a citizen or a police officer. By law, after an arrest police have 24 hours to present the complaint to a police official called an instructor. The instructor then has 72 hours to investigate and prepare a report for the prosecutor. The prosecutor then has an additional 72 hours to decide whether to proceed with criminal charges. By law, after this 14.-hour period, the person under arrest either should be charged or released, but in practice officials often delayed the process by repeatedly calling for further investigation, a practice that is permitted under the law. After criminal charges are filed, a defense attorney has the right to review the charges against the accused. The law provides for access to a lawyer within seven days, and sources stated that this normally was honored in practice. However, a prosecutor can demand a summary trial, in which case an attorney often meets the client minutes before the hearing starts.

Bail was available, although typically not in cases involving alleged antigovernment activity. Time in detention before trial counted toward time served if convicted. The law provides for detainees' prompt access to a lawyer; a public defender is appointed five days after the notification of a trial date to the defendant by the court if the defendant fails to name one. However, other provisions of the law permit delays in access to a lawyer while a case remains under investigation. The Government denied prisoners and detainees prompt access to family members.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates. In most cases, dissidents were held for several hours and then released without charges. The CCDHRN confirmed 1,500 such detentions during the year but suspected there were many more. There were 325 similar detentions in 2007. On January 30, the government-banned Assembly to Promote Civil Society reported that seven dissidents, including Jorge Luis Garcia Perez (Antunez) and his wife Iris Perez, were beaten and arrested in Santa Clara while trying to pay homage to the hero of Cuban independence, Jose Marti, as a form of protest against the Government. On April 21, 10 members of the Damas de Blanco ("Ladies in White") gathered in a central Havana square to protest the continued imprisonment of family members who were among a large group arrested in 2003. They were met by a caravan of police officials, apprehended by force, placed onto buses, and removed from the area. On July 29, the political police and rapid response brigade prevented 20 dissidents from participating in a peaceful march in Holguin designed to be an act of solidarity with political prisoners of conscience. Angel Luis Tellez Aguilera, the vice president of the United Commission on Human Rights, was arrested, detained for several hours, and released without charges. On July 12, State Security detained dissident Francisco Chaviano and at least five other activists in Havana who were planning to attend a public demonstration.

The law sets six months as the maximum period that a defendant can remain in prison before the case is brought to trial; however, if the prosecutor decides after charges are filed that the case requires more investigation, the case can be returned to the instructor. While the law outlines guidelines, it does not prescribe a time frame for the instructor to return the case to the prosecutor, and persons have been held without trial for several years after their cases had been returned to the instructor. At year's end dissident Vladimir Alejo Miranda had been in jail since February 2007 without charges being filed, and Ihosvani Suris de la Torre and Maximo Pradera Valdez had both been imprisoned without charges since 2001.

Dissident Jorge Luis Garcia Perez (Antunez) was under virtual house arrest in his hometown of Placetas. Antunez was confined to his home at least once a month for several hours at a time, and detained in Havana and forcibly returned to Placetas throughout the year. After each detention, he was released without charges.

e. Denial of Fair Public Trial.—While the constitution provides for independent courts, it explicitly subordinates them to the National Assembly of People's Power (ANPP) and the Council of State. The ANPP and its lower-level counterparts choose all judges. Thus, in practice the CP controlled the courts.

Civilian courts existed at the municipal, provincial, and appellate levels. Panels composed of professionally certified and lay judges presided over them. Military tribunals, which were governed by a special law, assumed jurisdiction for certain "counterrevolutionary" cases. The military tribunals tried civilians if a member of the military, police, or any uniformed member of the Government was involved with civilians in a crime. In these tribunals there was a right to appeal and access to counsel, and the charges were made known to the defendant.

Trial Procedures.—The courts restricted the right to a defense and often failed to observe due process rights nominally available to defendants. While most trials ostensibly were public, trials were closed when there were alleged violations of state security. Almost all cases were tried in less than one day; the law does not provide for jury trials. The law provides the accused with the right to an attorney and, except in cases involving state security, the right to consult an attorney in a timely manner. However, in (now relatively rare) cases where the prosecutor asked for a summary judgment, many defendants either had no defense attorney or met an attorney only minutes before the start of their trial. This was particularly true in cases involving charges of “dangerousness.” In November, in the wake of shortages after two devastating hurricanes, authorities arrested hundreds of individuals for activities such as unauthorized street vending and possession of construction materials. The judiciary sentenced several defendants to jail terms of one to four years in summary trials, many of which were held in police stations and not in courts of law. The Government’s control over members of the lawyers’ collectives compromised their ability to represent clients, especially those accused of state security crimes.

Criteria for presenting evidence were arbitrary and discriminatory. A defendant’s right to present witnesses was observed arbitrarily. Defense attorneys were given access to the police dossier and the prosecutor’s written accusation-sometimes at, or minutes before-the trial. The law provides that all legally recognized civil liberties may be denied to anyone who “actively opposes the decision of the people to build socialism.” Government officials routinely invoked this authority to deny due process to persons detained on purported state security grounds. In cases involving “state security,” defense attorneys were not allowed access to the police files and the investigation by the prosecutor’s office. Because of these constraints and because most trials last less than eight hours, defense attorneys often did not have time to arrange for testimony by defense experts.

The penal code includes the concept of “potential dangerousness,” defined as the “special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms.” No proof is required for a conviction for this offense. The CCDHRN estimated that as many as 5,000 citizens, including 1,000 women, were in jail for this offense. The CCDHRN listed six new cases of political prisoners convicted of “potential dangerousness” during the year. However, authorities applied this law most frequently to young persons without political connections who refused to report to work centers because of the low salaries, to young women who engaged in prostitution, and to persons who repeatedly returned to Havana after being sent back to their home provinces.

On August 25, Gorki Aguila Corrasco, a musician known for ridiculing the communist system and especially the Castro brothers, was arrested. On August 29, after a two-hour trial, he was convicted of public disorder, fined 600 pesos (\$28), and released. The more serious charge of “dangerousness” against him was dismissed, but he was ordered to pay his fine in 300 weekly installments of 2 pesos (less than 10 cents), effectively placing him in parole status for more than five years.

Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to a longer or shorter sentence. The law presumes defendants innocent until proven guilty, but authorities often ignored this presumption in practice. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases involving lengthy prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State must affirm capital punishment. On April 29, General Raul Castro commuted an unspecified number of death penalty cases to life imprisonment. The CCDHRN stated that this decision affected 30 prisoners.

Political Prisoners and Detainees.—The CCDHRN stated that the Government held at least 205 political prisoners and detainees at year’s end, compared with 240 at the end of 2007. The convictions were for such offenses as disrespect of the head of state, disrespect and scorn of patriotic symbols, public disorder, and attempting to leave the country illegally. Other inmates were convicted of disseminating enemy propaganda, illicit association, clandestine printing, or the broad charge of rebellion, which sometimes has been brought against advocates of peaceful democratic change. For example, on February 2, police beat and detained human rights activist Mijail Capote Aranda for expressing antigovernment sentiments in the city of Manzanillo, Granma Province. A court sentenced him to three years in prison for “disrespect to the head of state” and “attack on police officers.”

Authorities continued to use short-term detention at a greatly increased rate, instead of bringing charges for offenses that carry long prison terms. Dissidents frequently were threatened during the reporting period with prosecutions for “dan-

gerousness," although few were actually charged and sentenced. The number of convictions for "dangerousness" still remained high during the reporting period, but most of those convicted were not politically affiliated.

At year's end 55 of the 75 peaceful activists, journalists, union organizers, and opposition figures arrested and convicted in 2003, mostly on charges of violating national security and aiding a foreign power, remained in prison. On February 18, President Raul Castro released into exile four of the original 75 to Spanish authorities for humanitarian reasons.

Mistreatment of political prisoners and detainees was widespread. Beatings were not uncommon. On May 20, guards at the Guantanamo Provincial Prison attacked Jose Daniel Ferrer Garcia as he attempted to telephone human rights activist Juan Carlos Gonzalez Leiva.

Many political inmates were denied privileges given to ordinary prisoners, such as access to an exercise yard or sunshine. The Government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees. Authorities denied visits to families of political prisoners and detainees. Prisoners in punishment cells had no access to lawyers.

Civil Judicial Procedures and Remedies.—There is a judiciary for civil matters; however, these courts are utilized almost exclusively for family issues, such as divorce and child custody. Most torts provisions typically associated with civil courts are remedied in criminal court. The only way a citizen can seek redress for a human rights violation is to convince a prosecutor to file a criminal charge. The CCDHRN was not aware of any successful human rights-related prosecution during the year or of any damages ordered by any court in connection with a human rights case. In cases of police brutality or cases involving a member of the military, charges must be presented before a military tribunal. The CCDHRN stated that CP and government control of the prosecutors' offices and the court discouraged citizens from seeking legal redress.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled organizations, such as the CDRs, remained pervasive. The Government employed physical and electronic surveillance against nonviolent political opponents and interfered in the lives of citizens. The authorities employed a wide range of social controls to discover and discourage nonconformity.

State Security routinely read correspondence coming from abroad. Most letters from overseas were delivered with the envelope obviously torn and resealed; many were placed in a different envelope. State Security monitored domestic and overseas telephone calls, correspondence, and conversations with foreigners. During the year a defector publicly stated that the Government has permanent taps on thousands of telephone lines and alleged that the Government monitored the telephone lines of foreign diplomats, foreign press, foreign businessmen, and local dissidents.

State Security agents subjected journalists and foreign diplomats to harassment and surveillance, including electronic surveillance and surreptitious entry into their homes. Authorities also applied psychological pressure to former prisoners, one of whom reported that the Government painted "Viva la Revolucion" on his living room wall and was told that he would be arrested if he painted over it.

Civil society organizations reported intensified government monitoring of dissidents. On August 25, three prominent dissidents, Martha Beatriz Roque, Vladimiro Roca, and Jorge Luis Perez Garcia (Antunez), filed a formal complaint before the attorney general, charging that their e-mails, telephone calls, personal videos, photographs, and other documents had been made public in both the written press and on television without their consent and in violation of the country's privacy laws. After 60 days elapsed, the three dissidents filed another complaint that the responsible official had broken the law by failing to respond within the time frame mandated by law. A judge determined that the case should be reviewed because of the severity of the accusation and sent the second complaint to the same office for action. By year's end no official action had been taken.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana and other major cities. An official government publication, *Juventud Rebelde*, stated on August 3 that since 2006 authorities had evicted more than 20,000 persons living in the vicinity of Havana in improvised squatter villages and sent them back to their home provinces.

The Ministry of Interior employed a system of informants and CDR block committees to monitor and control public opinion. Several sources stated that in September, surveillance increased after hurricanes Gustav and Ike and State Security agents

were positioned around farmers' markets to eavesdrop on any implied criticisms of the Government respecting food shortages. It was widely believed that State Security would attempt to identify such critics for possible future punishment. CDRs continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and what it considered defiant attitudes toward the Government and the revolution.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press insofar as they “conform to the aims of socialist society,” a clause effectively barring free speech, and in practice the Government did not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials impose penalties of between three months and one year in prison; criticism of the president or members of the ANPP or Council of State is punishable by three years in prison. Disseminating “enemy propaganda,” which includes expressing opinions at odds with those of the Government, is punishable by up to 14 years' imprisonment. The Government considered international reports of human rights violations and mainstream foreign newspapers and magazines to be enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism.

Catholic priests and other clergy were able to deliver sermons without prior government approval. Catholic Church officials were allowed to broadcast 15-minute radio programs on special occasions such as Christmas, as long as they did not have any political content.

The Government considered print and electronic media to be state property. The Government owned and the CP controlled all media except for a number of underground newsletters. The Government operated four national television stations, six national radio stations, one international radio station, one national magazine, and three national newspapers. Additionally, it operated many local radio stations, television stations, magazines, and newspapers. All were official CP organs. Content was nearly uniform across all of these media; none enjoyed editorial independence. The regime vigorously prosecuted attempts to distribute unauthorized written, filmed, or photographed material. The law bars “clandestine printing.” The Government was the sole book publisher in the country, and with the exception of some Catholic Church publications, state censors required pre-publication approval.

The Government subjected independent journalists to travel bans, detentions, harassment of family and friends, equipment seizures, imprisonment, and threats of imprisonment. State Security agents posed as independent journalists to gather information on activists and spread misinformation and mistrust within independent journalist circles. At least 25 journalists were in prison during the year.

The law prohibits distribution of printed material from foreign sources. Citizens did not have the right to receive or possess publications from abroad, although newsstands at some hotels for foreigners and certain hard-currency stores sold limited numbers of foreign newspapers and magazines. In March demonstrators distributing copies of the Universal Declaration of Human Rights were attacked by a government-orchestrated mob and later detained. The Government continued to jam the transmissions of Radio Marti and Television Marti.

The Government frequently barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats.

Internet Freedom.—The Government controlled nearly all Internet access. Authorities reviewed and censored e-mail. Authorities employed Internet search filters and also blocked access to Web sites they considered objectionable. Citizens could access the Internet only through government-approved institutions, except at Internet facilities provided by a few diplomatic offices. Despite the Government's March 21 decision to permit citizens to purchase personal computers, access to the Internet was strictly controlled and given only to those deemed ideologically trustworthy. The only citizens granted direct Internet access were some government officials and certain government-approved doctors, professors, and journalists. The Government restricted Internet use in government offices, confining most officials to Web pages related to their work. In March and April authorities tightened Internet restrictions to block citizens' access to certain independent Web sites. Both foreigners and citizens were allowed to buy Internet access cards from the national telecommunications provider and to use hotel business centers, where Internet access can be purchased only in convertible pesos. Access usually costs between 128 and 288 convertible pesos (\$5.76 to \$12.51) an hour, a rate beyond the means of most citizens. The Government stated that less than 12 percent of the population used Internet services in 2007, a figure that included citizens who had access to the Government intranet only at work.

The law requires all public Internet centers to register with the Government and permits the Ministry for Information Technology and Communications to control and supervise all such centers without prior warning.

While the law does not provide for any specific punishments for Internet use, it is illegal to own a satellite dish that would provide uncensored Internet access. In December the Government instructed providers of public Internet access to block access to sites “whose contents are contrary to social and moral interests and community standards” or that “affect the integrity or the security of the State.” The same decree ordered Internet providers to prevent the use of encryption software and the transfer of material to encrypted files.

On December 3, State Security agents warned blogger Yoani Sanchez against holding a planned conference of Cuban bloggers; despite hosting the conference, Sanchez had not suffered any consequences by year’s end.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and continued to emphasize the importance of reinforcing revolutionary ideology and discipline. Students are required to swear to follow the principles of the CP and to model their lives after Ernesto “Che” Guevara. Academics were prohibited from meeting with some diplomats without prior government approval, and those permitted to travel abroad were aware that their actions, if deemed politically unfavorable, could negatively impact their relatives back home.

Dismissals of teachers and professors for political reasons occurred during the year. For example, on June 30, public school authorities dismissed physical education teacher Raul Velazquez Valdes for talking disrespectfully “about the institutions of the republic and the heroes and martyrs of the country.” However, independent academic Roberto de Miranda stated that the number of such dismissals during the reporting period was significantly lower than in previous years.

Expulsions of university students for political reasons also declined during the year, but did occur. In March Nestor Perez Gonzalez was expelled from the law school of the University of Pinar del Rio for coauthoring an article on the transition to democracy in Spain for the online periodical *Convivencia*.

Government-controlled public libraries required a government letter of permission for access to books or information.

University admission was normally contingent upon whether a student participated in government-encouraged secondary school activities.

b. Freedom of Peaceful Assembly and Association.—Although the constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be “exercised against the existence and objectives of the Socialist State.”

Freedom of Assembly.—The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to three months in prison and a fine. Civil society organizations reported intensified suppression of the right to assemble. The authorities have never approved a public meeting by a human rights group and detained activists for short periods at an increased rate compared with previous years to prevent activists from attending meetings, demonstrations, or ceremonies. The CCDHRN reported that temporary detentions increased from 325 in 2007 to more than 1,500 during the year. The detentions appeared to coincide with planned meetings and demonstrations, including events at foreign diplomatic establishments.

Freedom of Association.—The law specifically prohibits unrecognized groups, and the Government denied citizens freedom of association. Authorities have never approved the existence of a human rights group; however, a number of professional associations operated as nongovernmental organizations (NGOs) without legal recognition. The constitution proscribes any political organization other than the CP.

Recognized churches, the Roman Catholic humanitarian organization Caritas, the Freemason movement, and a number of fraternal or professional organizations were the only associations permitted to function outside the formal structure, but not the influence, of the state, the CP, and their mass organizations. The authorities continued to ignore applications from new groups for legal recognition, including several new religious groups as well as homosexual-rights organizations, thereby subjecting members to potential charges of illegal association.

c. Freedom of Religion.—Although the constitution recognizes the right of citizens to practice any religious belief within the framework of respect for the law, the Government continued to restrict freedom of religion. The Government required churches and other religious groups to enroll with the provincial registry of associations within the Ministry of Justice to obtain official recognition.

Although it did not favor any particular religion or church, the Government appeared most tolerant of churches that maintained close relations to the state through the Cuban Council of Churches (CCC). The CCC includes 25 religious organizations as full members, nine associate members, and three with observer status. It does not include the Cuban Catholic Church. In January three Protestant ministers and a babalow (Santeria priest) were elected to the National Assembly.

There were numerous reports of official discrimination against Seventh-day Adventists and Jehovah's Witnesses in employment and education. The discrimination was due to these groups' refusal to work or participate in mandatory school activities on Saturdays, and for Jehovah's Witnesses' refusal to comply with compulsory military training.

The Government rarely permitted the construction of new churches; however, it increasingly permitted the restoration and expansion of existing churches.

A government directive requires house-church operators to register their house churches with the Government. To register, an operator must meet a number of requirements, such as limiting weekly meetings to a number specified by the local official. The vast majority of house churches were unregistered and thus technically illegal.

Education was secular, and no religious educational institutions were allowed. However, the Catholic Church, Protestant churches, and Jewish synagogues were permitted to offer religious education classes to their members and adult education classes to the general public.

Religious literature and materials may be imported only through a registered religious group and distributed only to officially recognized religious groups.

The Government permitted each Catholic diocese to request broadcast time for a 15-minute broadcast on Christmas, Easter, and the feast day of the Virgin of Charity, the country's patron saint.

Religious groups were required to submit a request to local CP officials before holding processions or events outside of religious buildings.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were between 1,000 and 1,500 members of the Jewish community. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law qualifies freedom of movement within the country, foreign travel, emigration, and repatriation, and in practice the Government severely restricted these rights. The Government tightly restricted foreign and domestic travel by dissidents and limited internal migration from rural areas to Havana. Authorities frequently picked up dissidents visiting Havana and promptly escorted them back to their home provinces.

Although the constitution allows all citizens to travel anywhere within the country, residence is heavily restricted, thus impeding free movement. The local housing commission and provincial government authorities considered requests for change of residence largely on the basis of housing space. During the wait for permission, which routinely lasted six months or more, the applicant could not obtain food rations or a local identification card in the new location. Anyone living in a location illegally may be fined and sent home. While the regulation was in effect nationwide, it was applied most frequently in Havana. Human rights organizations asserted that the expulsion from Havana of young persons and individuals from the eastern provinces increased to more than 100 persons a week. Police threatened to prosecute for "dangerousness" anyone who returned to Havana after having been expelled.

The Government restricted both emigration and temporary foreign travel, mainly by requiring an exit permit. Although the Government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart, at least 247 citizens or their dependents who had received foreign travel documents were denied exit permits during the year. This figure represented only persons who reported their difficulties to a foreign diplomatic establishment. Persons routinely denied exit permits included medical personnel, men of military age, dissidents, and citizens with certain political or religious beliefs. An unpublished government policy denies exit permits to medical professionals until they have performed, on average, six to eight years of service in their profession after requesting permission to travel abroad; nurses and medical technicians waited an average of two to three years to receive exit permission.

The Government denied exit permits for several years to relatives of individuals who migrated illegally (for example, merchant seamen and sports figures who de-

fectured while out of the country). The Government frequently withheld exit visas to control dissidents. Dissident physician Hilda Molina continued to wait for exit permission, as she had for 15 years, although her elderly mother was allowed to join relatives in Argentina in June.

The Government denied exit permission to human rights activists who held valid foreign travel documents. In April authorities refused permission to blogger Yoani Sanchez to travel to Spain to receive a prestigious prize for journalism. Noted dissidents Francisco Chaviano and Jorge Luis Perez Garcia (Antunez) were both refused permission to travel abroad for treatment of serious medical conditions that developed during their long prison terms.

The Government used both internal and external exile. The law permits authorities to bar an individual from a certain area, or to restrict an individual to a certain area, for a period of one to 10 years. Under this provision, authorities may exile any person whose presence in a given location is considered "socially dangerous." The authorities routinely warned emigrating dissidents and their family members that speaking out against the Government abroad could result in repercussions for relatives remaining in Cuba, such as loss of employment or denial of permission to leave the country.

Those seeking to emigrate legally alleged they also faced fines, reprisals, harassment, and intimidation by the Government; involuntary job transfers; threatened arrest; and dismissal from employment.

Fees for medical exams, exit permissions, passport costs, and airport taxes are payable only in convertible pesos, and amounted to approximately 630 convertible pesos (\$680.40) for an adult, or nearly three years' salary. These fees represented a significant hardship, particularly for migrants who had been fired from their jobs for being "politically unreliable" and had no income. At year's end some would-be migrants were unable to leave the country because of inability to pay exit fees. Authorities routinely dispossessed migrants and their families of their homes and most of their belongings before permitting them to leave the country. The Government also demanded payment of hefty fines for past attempts to leave the country illegally.

The law provides for imprisonment of up to three years or a fine of 300 to 1,000 pesos (\$11 to \$38) for unauthorized departures by boat or raft. The Government also sometimes applied a law on trafficking in persons to would-be migrants. The law provides for imprisonment from two to five years for those who organize, promote, or incite illegal exit from national territory. The CCDHRN estimated that at year's end approximately 300 citizens were serving sentences or awaiting trial on this charge, which ordinarily carries a term of 15 to 20 years' imprisonment. Under the terms of the 1994 U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Station at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense. However, in practice many would-be migrants experienced harassment and discrimination such as fines, expulsion from school, job loss, and detention in prison.

The Government generally refused to accept nationals returned from U.S. territory beyond the maritime limits of the Migration Accord. On December 4, under a new migration accord with Mexico, the country accepted the repatriation of 41 Cubans from Mexico.

Protection of Refugees.—Although the country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the constitution provides for the granting of asylum to individuals persecuted for their ideals or actions involving a number of specified political grounds. Although the Government has no formal mechanism to process asylum for foreign nationals, in practice it provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, including to some fugitives from justice, whom the Government defined as refugees for political reasons.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting the small number of refugees and asylum seekers in the country. The Government allowed a small number of asylum seekers identified by the UNHCR to remain in the country while third-country settlement was being sought. In addition the Government allowed foreign medical students who feared persecution in their home countries to remain in the country after the end of their studies so that an investigation of their concerns could be conducted.

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

While the constitution provides for direct election of provincial, municipal, and ANPP members, citizens do not have the right to change their government, and the Government retaliated against those who sought peaceful political change.

On February 19, Fidel Castro officially resigned as president, ending nearly 50 years of rule. On February 24, the National Assembly unanimously elected Raul Castro to succeed his brother as chief of state, president, and commander in chief of the armed forces. Without citizen participation, existing undemocratic institutions, including the armed forces, the CP, and the ANPP, endorsed the transfer of power.

In the elections for the National Assembly held during the year, voters were strongly encouraged simply to indicate approval or disapproval of a unified CP-approved slate of candidates. The Government promoted this “voto unido” or unified slate; all of the candidates who had been preapproved by the candidacy commissions were elected, with the result that the CP won 98 percent of the vote and 606 of 614 seats in the National Assembly. The Government reported that more than 1.4 million voters, or 17 percent of the electorate, defaced ballots or otherwise abstained from the election.

Elections and Political Participation.—Candidates for provincial and national office must be approved in advance by mass organizations, such as the women’s and youth party organizations controlled by the Government. A small group of leaders, under the direction of the president, selected the members of the highest policy-making bodies of the CP, the Politburo, and the Central Committee. Although not a formal requirement, in practice CP membership was a prerequisite for high-level official positions and professional advancement.

The Government maintained a dossier on every child from kindergarten through high school, which included a record of the child’s participation in political activities, such as mandatory marches. Full participation in political activities, such as membership in the Union of Pioneers of Cuba, a regimented youth organization used by the Government for political indoctrination, was essential to advance in the school system.

There were two women in the 24-member Politburo and 15 in the 118-member Central Committee. Women held six seats in the 31-member Council of State and 265 seats in the 614-seat National Assembly.

Persons of African descent held five seats in the Politburo. Following the selection of the ANPP in February, the Government reported its composition as 64 percent white, 19 percent black, and 16 percent mixed race.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The World Bank’s worldwide governance indicators reflected that government corruption was a problem. Independent and official press reported incidents of government corruption. Several reliable sources confirmed that early in the year a court sentenced Carlos Garcia, director of the state-run firm Guama, and Miguel Quintana, director of the state-owned import firm MATCO, to 20 years’ imprisonment for illegal transactions and corruption. The Supreme Court upheld the verdicts in July.

Government officials are not subject to any special financial disclosure laws. The law provides for three to eight years’ imprisonment for “illegal enrichment” by authorities or government employees. All government agencies, especially the Ministry of Auditing and Control and the Ministry of the Interior, are tasked with combating corruption and unlawfulness, including through prosecution of government officials.

The law provides for public access to government information, but in practice requests for information routinely were rejected, often on the grounds that access is not a right.

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

In violation of its own statutes, the Government did not recognize any domestic human rights groups or permit them to function legally. Several human rights organizations continued to function outside the law, including the CCDHRN, the Christian Liberation Movement, the Assembly to Promote Civil Society, and the Lawton Foundation for Human Rights. The Government subjected domestic human rights advocates to violence, intense intimidation, and harassment, including threats of death and disappearance.

The Government occasionally staged acts of repudiation, in which it mobilized Communist militants and others to hold public rallies aimed at intimidating and ostracizing members of dissident organizations.

The Government also took steps to prevent the movement of activists; on many occasions, State Security, police, and mobs prevented “Ladies in White” members and members of other dissident groups from traveling to Havana, or elsewhere within the country, to take part in peaceful assembly.

The Government rejected international human rights monitoring. No UN Special Rapporteurs visited the country. The Government continued to deny human rights organizations and the International Committee of the Red Cross access to political prisoners and detainees.

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

The constitution prohibits discrimination based on race, gender, disability, or social status; however, racial discrimination occurred frequently.

Women.—The law criminalizes rape, including spousal rape, and the Government enforced the law. The Government did not release statistics during the year on arrests, prosecutions, or convictions for rape. The Havana office of the NGO Women’s News Service for Latin America and the Caribbean (SEMLac), which advocates for women’s issues, did not estimate the incidence of rape to be very high.

The law does not recognize domestic violence as a distinct category of violence but prohibits threats and inflicting injuries, including those associated with domestic violence. Penalties for domestic violence are covered by the laws against assault and range from fines to prison sentences of varying lengths, depending on the severity of the offense.

Human rights advocates reported that violence against women was a problem, and police often did not act on cases of domestic violence. The press rarely reported on violent crime, and the Government did not release data on the extent of domestic violence. However, the CCDHRN and the Cuban Chapter of the Latin American Federation of Rural Women reported that domestic violence was a serious problem and that there was a lack of programs to protect victims.

To raise awareness about domestic violence, the Government continued to carry out media campaigns during the year. The CCDHRN believed that many women did not report acts of domestic violence because they feared doing so could trigger another attack.

Prostitution is legal for persons over age 17, but pandering and economic activities facilitating prostitution, including room rentals, are illegal. Large numbers of foreign tourists visiting the country patronized prostitutes. Some police officers were suspected of providing protection to individuals engaged in prostitution.

The law provides penalties for sexual harassment, with potential sentences of three months’ to five years’ imprisonment. The law was applied most frequently to male supervisors “abusing their power” over female subordinates, according to the CCDHRN. The Government did not release any statistics during the year on arrests, prosecutions, or convictions for offenses related to sexual harassment. Based on anecdotal evidence, SEMlac claimed that sexual harassment was widespread.

The law provides that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. The law grants working mothers preferential access to goods and services. The law provides for equal pay for equal work, and women generally received pay comparable to men for similar work.

Children.—The Government generally was committed to children’s rights and welfare; the law provides that all children have equal rights and that parents have a duty to ensure their protection.

There was no societal pattern of child abuse.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. While underage prostitution was apparent, there were no reliable statistics available regarding its extent.

Trafficking in Persons.—The law prohibits most forms of trafficking in persons; however, there were reports that women were trafficked from the country to Mexico, the Bahamas, and Europe and that children were trafficked within the country for purposes of sexual exploitation.

The nature and extent of trafficking were difficult to gauge due to the closed nature of the Government and the lack of NGO reporting; however, some citizens who had successfully emigrated on “go-fast” vessels were forced to work as deckhands on subsequent smuggling trips to pay off smuggling debts.

The law provides penalties for anyone who “induces, cooperates with, promotes, or gets a benefit from the exercise of prostitution.” If the offense involves the vic-

tim's entry or exit from the country, the penalty ranges from 20 to 30 years' imprisonment. The law provides for penalties of seven to 15 years' imprisonment for trafficking for forced labor, prostitution, and trade in organs, both domestically and internationally. The law provides for penalties of four to 10 years' imprisonment for "inducing, in any way, or promoting another person to engage in prostitution or bodily commerce." The sentence increases to 10 to 20 years for anyone who threatens or forces another to engage in prostitution. The law also provides sentences of 20 to 30 years for anyone convicted of pimping after a previous conviction or anyone accused of habitually promoting prostitution.

A criminal court can levy damages, called "responsibilities," and can assess damages to be paid through the court to the victim. The CCHRN stated that in cases of internal trafficking, rather than bring a trafficking charge, the Government might charge the individual with pimping.

There were no reliable statistics on the number of traffickers prosecuted or convicted during the year. The CCDHRN stated that although it could not make reliable estimates, a large number of persons were serving sentences for pimping, but it was unclear whether these individuals actually trafficked in persons or merely facilitated work by willing individuals. All those prosecuted or convicted had come to the country from the United States, Mexico, or other countries such as the Bahamas.

The Ministries of Justice and Education, the PNR, and local governments were tasked with different facets of combating trafficking in persons and the problem of underage prostitution; no single entity had complete autonomy dealing with these problems. Police were responsible for investigating and arresting traffickers, the Ministry of Justice with prosecuting and incarcerating traffickers, and the Ministry of Education with rehabilitating prostitutes. No information was available concerning government assistance with international investigations of trafficking or the extradition of traffickers.

There were no known investigations or prosecution of public officials for complicity in trafficking during the year, although some police officers reportedly accepted bribes in connection with the country's sex trade.

Although prostitution is not a crime per se, individuals who engaged in prostitution, including possible trafficking victims and children, often were treated as criminals, detained, and taken to rehabilitation centers that were not staffed with personnel who were adequately trained or equipped to care for trafficking victims.

The Government, in cooperation with the British government and a British NGO, ran a center in Havana for the treatment of child sexual abuse victims, including victims of trafficking. The center employed the most modern treatment techniques, including the preparation of children to be witnesses in criminal prosecutions. There were no known government programs to prevent trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There was no known law prohibiting official discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. However, a Ministry of Labor and Social Security resolution gives persons with disabilities the right to equal employment opportunities and to equal pay for equal work. There was no official discrimination against persons with disabilities. There are no laws mandating accessibility to buildings for persons with disabilities, and in practice buildings and transportation rarely were accessible to persons with disabilities.

The Special Education Division of the Ministry of Education was responsible for the education and training of children with disabilities. The Ministry of Labor and Social Security was in charge of the Job Program for the Handicapped.

National/Racial/Ethnic Minorities.—Afro-Cubans often suffered racial discrimination, including frequent and disproportionate stops for identity checks and searches of backpacks and personal items, insults, and racial epithets. A black foreign diplomat was frequently stopped by police and questioned as to whether she was a citizen and what she was doing in certain areas. Afro-Cubans were disproportionately represented in neighborhoods with the worst housing conditions and were economically disadvantaged in part because of employment discrimination, notably in the tourist industry. The Government made no efforts to address racial discrimination because it denied that any such discrimination existed.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals persisted, as police occasionally conducted sweeps in areas where homosexuals congregated, particularly along sections of Havana's waterfront. Homosexual rights organizations also reported cases of individuals discharged from their jobs due to their sexual orientation.

Some persons with HIV/AIDS suffered job discrimination or were rejected by their families. The Government operated four prisons exclusively for HIV/AIDS sufferers; some inmates were serving sentences for “propagating an epidemic.”

Mariela Castro, the president's daughter, headed the national Center for Sexual Education and was outspoken in promoting homosexual rights. In May she organized a week of programs to mark International Anti-Homophobia Day. Television programs promoted tolerance for homosexuals. On June 6, the Government announced the availability of free gender-reassignment surgery. However, nongovernment homosexual rights organizations, such as the Movement of Homosexual Liberation, asserted that the Government had done nothing to stop frequent cases of police brutality and harassment of homosexuals, and that Mariela Castro did not respond to their requests to meet with her. On June 25, State Security forces prevented a coalition of homosexual rights groups from holding a “Gay Pride” march in Havana by detaining the organizers and intimidating would-be participants by maintaining a heavy police presence at the parade's starting point.

Section 6. Worker Rights

a. The Right of Association.—The law does not allow workers to form and join unions of their choice. Rather, the state established official unions and did not permit competing independent unions. Official labor unions had a mobilization function and did not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the state and the CP, which also managed the enterprises for which the laborers worked. Because all legal unions were government entities, antiunion discrimination by definition did not exist.

The only legal labor confederation was the Confederation of Cuban Workers (CTC), whose leaders were chosen by the CP. The CTC's principal responsibility was to ensure that government production goals were met. Virtually all workers were required to belong to the CTC, and promotions frequently were limited to CP members who took part in mandatory marches, public humiliations of dissidents, and other state-organized activities.

Workers often lost their jobs because of their political beliefs, including their refusal to join the official union. On July 20, the National Bureau of Taxation removed Luis Gomez Perez's license to practice as a barber because he was a member of the independent trade union, the Central Christian Union (CSC).

Several small independent labor organizations operated without legal recognition, most notably the Union of Bicycle Taxi Drivers, the CSC, and the National Independent Workers' Confederation of Cuba. These organizations also were subject to police harassment and infiltration by government agents and were unable to represent workers effectively or work on their behalf.

The Government continued to incarcerate independent labor activists. Five of the seven independent labor leaders jailed in 2003 remained in prison, serving sentences of between 12 and 25 years. Pedro Pablo Alvarez Pedros, president of the Unitary Workers Council, was released on February 15 after serving 17 years of a 30-year sentence; he and three other political prisoners were released to Spain.

The law does not provide for strikes, and none were known to have occurred during the year.

b. The Right to Organize and Bargain Collectively.—Although provided for in the law, collective bargaining did not exist in practice. In February the Government issued a resolution aimed at linking pay to worker performance, but it had not been implemented by year's end.

The law denies all workers, except those with special government permission, the right to contract directly with foreign companies investing in the country. Although a few firms negotiated exceptions, the Government required foreign investors and diplomatic missions to contract workers through state employment agencies. The foreign firms and diplomatic missions paid the agencies in hard currency, but the agencies paid the workers only a fraction of that income. Workers subcontracted by state employment agencies must meet certain political qualifications. The state employment agencies consulted with the CP, the CTC, and the UJC to ensure that the workers chosen “deserved” to work in a joint enterprise.

The last export processing zone was closed in 2006.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced or compulsory labor by adults; prisoners convicted of crimes such as “dangerousness” were forced to work on farms or in construction, agricultural, or metal work. The authorities also often imprisoned persons sent to work sites who refused to work.

Compulsory, unpaid labor, called “voluntary work,” was regularly organized by official trade unions, either to accomplish ordinary production or to complete other tasks such as repairs, cleaning, painting, decorating, or to mobilize a large agricultural labor force.

The law prohibits forced or compulsory labor by children, but the Government required children to work in various situations (See Section 6.d.).

On August 8, a judge in a foreign court ruled in favor of three Cuban men who in 2006 sued the Curacao Drydock Corporation, alleging that it, in collusion with the Cuban government, forced them to work without compensation to repay a Cuban government debt to the company. On October 20, the foreign court awarded the men an \$80 million judgment.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and compulsory labor by children, and the Ministry of Labor and Social Security was responsible for enforcement. Nonetheless, the Government required children to work in various situations.

Students at rural boarding schools were expected to participate in several hours of manual labor per day. Secondary school students were expected to devote up to 15 days of their summer vacation completing a variety of tasks ranging from farm labor to urban cleanup projects, and were paid a small wage for this labor. Students in postsecondary institutions (technical schools, university preparatory schools, and agricultural institutes) were expected to devote 30 to 45 days per year to primarily agricultural work. Refusal to do agricultural work or some substitute could result in expulsion from school, although such expulsions rarely occurred.

The legal minimum working age is 17, although the labor code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. However, in practice it was rare that children under 17 worked. The labor code does not permit teenagers to work more than seven hours per day or 40 hours per week, or on holidays. Children ages 13 to 18 cannot work in specified hazardous occupations, such as mining, or at night.

There were no known government programs to prevent child labor or remove children from such labor.

e. Acceptable Conditions of Work.—The minimum wage, which is enforced by the Ministry of Labor and Social Security, varies by occupation. On average, the minimum monthly wage was approximately 225 pesos (\$9). The Government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of a hospital stay), housing, and some subsidized food. Even with subsidies, the Government acknowledged that the minimum wage did not provide a decent standard of living for a worker and family.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The law provides workers with a weekly 24-hour rest period. These standards were effectively enforced. The law does not provide for premium pay for overtime or prohibit obligatory overtime but places a cap on the number of overtime hours that may be worked per week or per year. Compensation for overtime is paid either in cash at the regular hourly rate or in additional rest time, particularly for workers directly linked to production or services, and does not apply to management. Workers frequently complained that overtime compensation was either not paid or not paid in a timely manner. The law provides little grounds for a worker to refuse to work overtime. Refusal to work overtime could result in a notation in the employee’s official work history that could imperil subsequent requests for vacation time.

Laws providing for workplace environmental and safety controls were inadequate, and the Government lacked effective enforcement mechanisms. The law provides that a worker who considers his life in danger because of hazardous conditions has the right to refuse to work in a position or not to engage in specific activities until such risks are eliminated; the worker remains obligated to work temporarily in whatever other position may be assigned at a salary provided for under the law.

A former president of the Confederation of Independent Workers of Cuba stated on October 19 that there were numerous violations of health and safety laws at worksites throughout the country, and that conditions were particularly dangerous in the construction industry. Welders and persons who work with pesticides, he alleged, were rarely provided with protective equipment. Truck drivers for state firms frequently had to drive vehicles in poor repair. He stated that the CTC seldom informed workers of their rights and did not respond to or assist workers who complained about hazardous workplace conditions. For example, on July 20, 12 workers from the Work Center Minimax de la Lisa officially complained to the chief for trade

for the La Lisa district about unsanitary conditions, broken and clogged toilets, and a roof in imminent danger of collapse but never received a reply.

DOMINICA

Dominica is a multiparty, parliamentary democracy with a population of approximately 72,500. Prime Minister Roosevelt Skerrit's Dominica Labour Party (DLP) prevailed over the opposition United Workers Party (UWP) in 2005 elections, the results of which were certified despite challenges filed by the opposition in a few constituencies. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas, primarily poor prison conditions, violence against women and children, and adverse conditions experienced by indigenous Kalinago (Carib).

RESPECT FOR HUMAN RIGHTS

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

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

The case of two police officers charged with murder for shooting and killing a man in December 2007 was pending prosecution at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution prohibits such practices, there were reports that police used excessive force while making arrests, including documented cases in which the police shot the victim.

Cases in which police shot and injured persons in 2007 were pending prosecution at year's end. There was no information available about the February 2006 beating by police that went before a civil court, nor about a pending case from 2005.

Prison and Detention Center Conditions.—Prison conditions were poor. The opening of a new wing at the country's single prison, Stock Farm, helped matters, but conditions remained unsanitary as many of the buildings were in disrepair. The prison held 235 prisoners at year's end, less than its designed capacity.

Juvenile detainees were held with adults, and pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

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

Role of the Police and Security Apparatus.—The prime minister's office oversees the Dominica Police, the country's only security force. The 411-officer force effectively carried out its responsibilities to maintain public order. The police have a formal complaint procedure to handle allegations of excessive force or abuse by police officers. Corruption was not a problem within the police force.

The police Internal Affairs Department investigates public complaints against the police and provides officers with counseling. Several cases of alleged misconduct were filed, but authorities did not suspend or otherwise discipline any officers during the year.

Arrest and Detention.—The police apprehend persons openly with warrants issued by a judicial authority. The law requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and bring the detainee to court within 72 hours. This requirement generally was honored in practice. If the authorities are unable to bring a detainee to court within the requisite period, the detainee may be released and rearrested at a later time. There is a functioning system of bail. Criminal detainees were provided prompt access to counsel and family members.

Lengthy detention before trial was a problem due to judicial inefficiency and staff shortages. On average prisoners remained in remand status for over three months.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judicial system is composed of the High Court with two judges, and four magistrates based in the capital city of Roseau who periodically travel around the coun-

try. Appeals can be made first to the Eastern Caribbean Court of Appeal and then to the Privy Council in the United Kingdom.

Inadequate police staffing for investigations, together with a lack of judges, resulted in severe backlogs and other problems in the judicial system.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. There are trials by jury, and defendants may confront or question witnesses. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provide free legal counsel to juveniles unable to obtain their own counsel, regardless of the crime committed, and to the indigent, but only in cases involving serious crimes.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Generally individuals could criticize the Government publicly or privately without reprisal. The independent media were active and expressed a wide variety of views without restriction.

Libel suits filed by Prime Minister Skerrit in September 2006 against the Times newspaper were pending in civil court at year's end.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas, but infrastructure limitations restricted Internet access in villages.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government requires all religious organizations to register. On February 21, the Government formally recognized the Church of Jesus Christ of Latter-day Saints, which had been seeking full authorization since 2004.

In 2007 Rastafarians sought repeal of a 1974 measure that outlaws their religion, and the Kalinago called for the legalization of polygamy, stating it was part of their culture.

Societal Abuses and Discrimination.—Rastafarians complained that the use of marijuana, an aspect of their religious rituals, was illegal and that their members were victims of societal discrimination, especially in hiring. There is a small Muslim community and no organized Jewish community; there were no reports of discrimination against either community or of any anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

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

Protection of Refugees.—Although the country signed the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a legal or procedural system for providing protection to refugees. The Government did not grant refugee status or asylum during the year.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR has an honorary liaison located in the country with whom the Government can consult regarding asylum claims and other protection concerns.

To deal with a large increase in Haitian immigration, in 2006 the Government instituted an agricultural labor program, which gave the Haitians legal status. Many Haitians used the country as a transit point and attempted to depart illegally for the neighboring French territories of Martinique or Guadeloupe. As an incentive to enter and exit the country legally, the Government began charging Haitians EC\$1,000 (approximately \$400) when entering the country and promised to return the funds upon legal exit from the country. The refundable entrance fee had little effect on the numbers of Haitians departing illegally.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In 2005 the ruling DLP won 12 seats in parliamentary elections, defeating the UWP, which won eight seats. An independent candidate affiliated with the DLP also won a seat. After the election the independent candidate and an opposition member joined the ruling party. Election results were certified, but there were no impartial observers present to verify them. In 2007 the Eastern Caribbean Court of Appeal dismissed UWP challenges to the results in five constituencies.

In October the two opposition parties released a white paper calling upon the Government to remedy alleged defects in the 2005 election process by screening the electoral rolls to ensure that only citizens living in the country or who have visited during the last five years are listed, in accordance with the law.

Political parties could operate without restrictions. However, opposition parties claimed that the state-owned Dominica Broadcasting Corporation coverage of the 2005 election campaign was unfair and did not provide access to opposition candidates. They also complained that businesses owned by known opposition leaders faced discrimination in securing government contracts or bids.

There were six women in the 31-seat legislature: four elected to the House of Assembly and two appointed senators, three of whom served as cabinet ministers. A woman also served as attorney general, a cabinet position. The speaker of the house was a woman.

The parliamentary representative for the constituency that includes the Carib Territory was a Carib, who served concurrently as minister for Carib affairs.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. The World Bank's worldwide governance indicators reflected that government corruption was a problem. There were reports in the press and by nongovernmental organizations (NGOs) of corruption in the Government, including accusations that some government officials, including the prime minister, engaged in property speculation. There were also widespread accusations that a number of government ministers received unreported money from Venezuelan sources.

In September the Government established a commission to implement the Integrity in Public Service Act of 2004, which requires financial disclosure by elected officials and senior civil servants. The opposition noted that the commission did not make its reports public.

The Financial Intelligence Unit is the chief government agency responsible for identifying and combating government corruption. In addition the police force and customs service have internal watchdog offices.

The law does not provide for public access to government information, and the Government did not provide routine access in practice. The Government maintained a Web page, where it increasingly posted limited information such as directories of officials and a summary of laws and press releases.

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

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominica National Council of Women (DNCW),

and a women's and children's self-help organization, operated freely and without government interference.

There were no requests for investigations of human rights abuses from international or regional human rights groups. There is no ombudsman, but a parliamentary commissioner has the responsibility to investigate complaints against the Government.

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

The law specifically prohibits discrimination based on race, gender, place of origin, color, and creed, and the authorities generally respected this prohibition in practice.

Women.—The law criminalizes rape, which can include spousal rape. Whenever possible, female police officers handled rape cases. Although the maximum sentence for sexual molestation (rape or incest) is 25 years' imprisonment, the normal sentence given was five to seven years, except in the case of murder. The Gender Bureau of the Ministry of Community Development and Gender Affairs assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Gender Bureau also coordinated interagency efforts to collect data, advocate policy changes, and provide programs for the empowerment of women.

Domestic violence cases were common. Although no specific laws criminalize spousal abuse, spouses could bring charges against their partners for battery. The law allows abused persons to appear before a magistrate without an attorney and request a protective order. The court also may order the alleged perpetrator to be removed from the home in order to allow the victims, usually women and children, to remain in the home while the matter is investigated. However, enforcement of these restraining orders was difficult because of a lack of police resources. Police officers continued to receive training in dealing with domestic abuse cases.

The Gender Bureau reported that both men and women sought assistance in dealing with domestic violence; it dealt with approximately 100 cases during the year. Despite the range of programs offered, there were insufficient support systems to deal with the problem. In addition to counseling services offered by the DNCW and the Gender Bureau, there was a legal aid clinic, and the Government's legal department offered assistance as well.

The DNCW provided preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. It assisted approximately 100 persons during the year. Due to a shortage of funding, the organization could permit persons to stay at the shelter only for several days at a time; however, if needed, further housing was provided in private homes for up to three weeks. Because of the country's small size, abusive spouses commonly found and visited the victims at the shelter, making private homes a safer option in many cases. The Catholic Church continued to be active in educating the public about domestic violence.

Prostitution is illegal but was a problem. There were anecdotal reports of trafficking in persons for commercial sexual exploitation.

The law does not prohibit sexual harassment, and it remained a problem.

While there was little open discrimination against women, cultural instances of discrimination existed. Also, property ownership continued to be deeded to heads of households, who were usually male. When the male head of household dies without a will, the wife may not inherit or sell the property, although she may live in it and pass it to her children. The law establishes pay rates for civil service jobs regardless of gender, but there was a 53 percent unemployment rate for women. The Labor Department reported that many rural women found it difficult to meet basic economic needs, which resulted partly from the continuing decline of the banana export industry. Although there were some women in managerial or high-level positions, most women worked as shopkeepers, nurses, or in education.

The Gender Bureau is charged with promoting and ensuring the legal rights of women. The bureau provides lobbying, research, support, counseling, training, and education services. The Gender Bureau worked with the DNCW and other organizations to help the Government, NGO, and police sectors work more closely together on women's issues, particularly in data collection and information sharing.

Children.—The Government was committed to children's rights and welfare.

Child abuse continued to be a pervasive problem, both at home and at school. The Welfare Department of the Ministry of Community Development and Gender Affairs received approximately 100 reports of child abuse; 80 percent of the victims were female. The Welfare Department also assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The

Welfare Department reported all severe cases of abuse to the police. Lack of staff and resources continued to hamper enforcement of children's rights laws.

The age of consent for sexual relations is 16 years. No specific laws prohibit commercial sexual exploitation of children, but such activity could be prosecuted under laws against prostitution or trafficking.

Trafficking in Persons.—The law prohibits trafficking in persons, specifically involving forced labor, commercial sexual exploitation, and smuggling illegal migrants. There were no confirmed reports that persons were trafficked to, from, or within the country.

However, there were anecdotal reports that women from the Dominican Republic, Haiti, South America, Eastern Europe and Asia entered the country irregularly to work in underground strip clubs that proliferated in the outskirts of Canfield or Portsmouth, as well as some that opened in Roseau. These women faced cultural and language barriers that made finding assistance difficult. The Ministry of National Security did not believe that there was widespread trafficking in persons but acknowledged there might be a few isolated incidents.

The DNCW and other activists believed that there may be some trafficking of women for prostitution, but acknowledged it was hard to prove as most of the women in the sex trade were afraid to come forward, fearing deportation. An NGO that interviewed commercial sex workers as part of an HIV/AIDS awareness campaign found that most appeared to have entered the country for economic reasons and began working in prostitution thereafter.

Persons convicted of trafficking are subject to a fine of EC\$100,000 (approximately \$37,500) and up to seven years in prison, but there were no known prosecutions for trafficking in recent years.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Although the law does not specifically prohibit discrimination against persons with disabilities, there was no reported formal discrimination against them in employment, education, access to health care, or the provision of other state services. However, many employers refused to hire persons with disabilities, and unemployment among them was very high.

There is no legal requirement mandating access to buildings for persons with disabilities. A new cricket stadium, opened in 2007, was the first large building to have wheelchair access ramps. However, the ramps do not extend to the seats.

There are no programs in school for children with learning or other disabilities, most of whom did not complete educational programs due to the difficulty involved in simply getting to and from school and in keeping up with the curriculum. Mentally challenged children had difficulty finding appropriate foster homes when faced with neglect from their birth parents. However, in 2007 several students with disabilities were admitted to secondary school, and one graduated from the community college.

Indigenous People.—There was a Kalinago, or Carib, population, estimated at 4,000 persons, most of whom lived in the 3,782-acre Carib Territory. There were four preschools and two primary schools in the Carib Territory and two secondary schools in nearby communities attended by Kalinago children. The Ministry of Education covered tuition for Kalinago students at the Dominica State College and awarded scholarships to Kalinago students for study throughout the Caribbean.

The Carib Act states that any child of a Kalinago is also Kalinago. Non-Kalinagos may become Kalinagos if they are invited to live in the Carib Territory and do so continuously for 12 years. Although the law permits Kalinago men and women married to non-Kalinagos to continue living in the territory, in practice Kalinago women married to non-Kalinagos had to move out of the territory.

Every five years Kalinagos over the age of 18 who reside in the territory may vote for the chief and six members of the Council of Advisors. They also are eligible to vote in national elections. A Kalinago headed the Ministry of Carib Affairs.

The Kalinago people continued to suffer from low levels of unofficial and societal discrimination. Unemployment in the territory generally was higher than in the rest of the country, and mean income was below the national mean.

The law establishing the Carib Territory does not delineate clearly its territorial boundaries. Kalinagos continued to report difficulties obtaining bank financing, particularly since reservation land was communal and therefore unavailable for use as collateral for loans.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination in employment, housing, education, or health care against a person on the basis of sexual orientation. Although no statistics were available, anecdotal evi-

dence suggested that societal discrimination against homosexuals was quite common, as homophobic attitudes were widespread in the socially conservative society. There were very few openly gay men or lesbians.

The Government and the Dominica Planned Parenthood Association initiated programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them.

Section 6. Worker Rights

a. The Right of Association.—Workers exercised the legal right to organize and choose their representatives. Unions represented approximately 10 percent of the total work force; approximately half of government workers were unionized.

The law provides for the right to strike, and workers exercised this right in practice. However, emergency, port, electricity, telecommunications, and prison services, as well as banana, coconut, and citrus fruit cultivation industries, were deemed essential, which effectively prohibited workers in these sectors from going on strike.

b. The Right to Organize and Bargain Collectively.—Unions have legally defined rights to organize workers and to bargain with employers. Workers exercised this right, particularly in the nonagricultural sectors of the economy, including in government service. Government mediation and arbitration were also available.

The law provides that employers must reinstate workers fired for union activities, and employers generally did so in practice.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—Although two laws prohibit employment of children, one law defines a “child” as under age 12 and the other as under age 14. The Government defined 15 years as the minimum age for employment and enforced this standard in principle. Children between the ages of 12 and 14 were allowed to work only in certain family enterprises such as farming. Safety standards limit the type of work, conditions, and hours of work for children over the age of 14. The Government effectively enforced these standards.

e. Acceptable Conditions of Work.—In mid-year a new minimum wage law, prepared after tripartite consultations, established a base wage of EC\$5.00 (approximately \$1.87) per hour for all public and private workers. The minimum wage did not provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earned more than the legislated minimum wage. Enforcement was the responsibility of the labor commissioner.

Labor laws provide that the labor commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate to enable that person to be employed gainfully.

The standard legal workweek is 40 hours in five days. The law provides overtime pay for work above the standard workweek; however, excessive overtime is not prohibited. The Government effectively enforced these standards.

The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conducted health and safety surveys. The Department of Labor conducted inspections that prescribe specific compliance measures, impose fines, and can result in prosecution of offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment, and the authorities effectively enforced this right.

DOMINICAN REPUBLIC

The Dominican Republic is a representative constitutional democracy with a population of approximately 9.5 million, including hundreds of thousands of undocumented Haitians. On May 16, voters elected President Leonel Fernandez of the Dominican Liberation Party (PLD) for a third term, and in 2006 elections the PLD won majorities in both chambers of Congress. Impartial outside observers assessed both elections as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

Although the Government’s human rights record improved somewhat, serious problems remained: unlawful killings; beatings and other abuse of suspects, detainees, and prisoners; poor to harsh prison conditions; arbitrary arrest and detention

of suspects; a large number of functionally stateless persons; widespread corruption; harassment of certain human rights groups; violence and discrimination against women; child prostitution and other abuse of children; trafficking in persons; severe discrimination against Haitian migrants and their descendants; and disregard of fundamental labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were numerous reports that security forces were involved in many killings that were unlawful, unwarranted, or involved excessive use of force.

According to the Attorney General's Office, police killed 455 persons in the course of duty during the year, approximately 19 percent of all violent deaths and an increase of 32 percent over 2007. The police chief, who took office in August 2007, attributed the statistical increase in part to his standing order that all police killings be reported to the attorney general. Some media reports also noted a tendency of criminals to open fire on police.

On May 2, in two separate incidents, police killed seven civilians. In Santo Domingo three minors who were suspected in a store robbery were seen on film alive when the police took them into custody, and their bodies were found later. The second incident, in Boca Chica, resulted in the deaths of four civilians and one police officer, allegedly in an exchange of gunfire when police attempted to recover stolen money from a residence. Following investigations into both cases, authorities brought charges against the officers involved, who were awaiting trial at year's end.

On September 23, during a demonstration against the police killing of a student in Santo Domingo, a minor was shot and killed. Police blamed the death on an unidentified shooter, but other demonstrators attributed the death to the police. On November 5, according to press reports, a police bullet killed a 17-year-old playing basketball near a demonstration. Security forces routinely dispersed protesters with tear gas and water cannons, as well as with live fire.

Despite previous reports that the inspector general had named a commission to investigate the 2007 police killing of Rafael Concepcion while in police custody, and that the police officers involved in the shooting had been detained, there was no information that anyone indeed was assigned to investigate and or that any charges were filed.

Human rights nongovernmental organizations (NGOs) asserted that, as in previous years, the police continued to employ unwarranted deadly force against criminal suspects.

There were no developments in the 2006 cases of two police sergeants charged with homicide in the Luis Manuel Ventura killing or of two police officers charged with the murder of Elvin Amable Rodriguez.

On October 28, a mob in Neiba killed two and injured 12 Haitians, following the alleged killing of a Dominican national by a Haitian.

On a number of occasions reported in the media, citizens attacked alleged criminals in vigilante-style reprisals for theft, robbery, or burglary. These incidents were attributed to an increase in crime and the inability of security forces to stem or combat these crimes.

b. Disappearance.—There were no reports of politically motivated disappearances. Despite the Public Ministry's May 2007 announcement that it would reopen the investigation, there were no developments in the case of journalist Narciso Gonzalez, who disappeared in 1994 after allegedly criticizing the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits torture, beating, and physical abuse of detainees and prisoners, members of the security forces, primarily police, continued such practices. The Attorney General's Office reported that the police were involved in incidents that resulted in maiming or severely injuring unarmed civilians. However, improvements in oversight, awareness, and accountability led to a perception that the police were indeed making efforts to reduce incidents of physical abuse of detainees. Nonetheless, human rights organizations stated that uniformed vigilantism persisted on a nonlethal level.

The law provides penalties for torture and physical abuse, including sentences from 10–15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. Authorities sent new abuse and torture cases to civilian criminal courts rather than police tribunals.

Senior police officials treated the prohibition on torture and physical abuse seriously, but lack of supervision and training throughout the law enforcement and corrections systems undercut efforts to contain the problem. Although observers agreed that conditions improved somewhat due to an increase in professionally trained corrections officers, human rights groups and prisoners reported physical abuse of detainees, most commonly beatings. Some observers believed that the civilian corrections officers lacked the discipline and cohesion of the military personnel they replaced and were more prone to insubordination and abuse of inmates.

In May prison guards beat a missionary when she refused to remove her clothing for examination after arriving at the Najayo prison to visit inmates. Subsequently authorities removed the top officials of the prison for unrelated corrupt acts.

There were no developments in the July 2007 complaint by the National Commission on Human Rights, an NGO, against the police with regard to the case of Javier Vicente Reyes Segura, shot in the leg during a traffic stop.

There were reports of use of excessive force against demonstrators and protesters by members of the security forces.

Lawyers from the National District prosecutor's office monitored the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate (DNCD) offices. Assistant prosecutors at times reportedly acquiesced in improper police practices rather than insisting they be changed to conform to constitutional standards.

Prison and Detention Center Conditions.—While prison conditions generally ranged from poor to extremely harsh, the Government made advances with newer “model prisons” where prisoners experienced better conditions. Overall, reports of mistreatment and inmate violence in prisons were common, as were reports of guard abuse of prison visitors. The prisons were seriously overcrowded, health and sanitary conditions were poor, and some prisons were out of the control of authorities and effectively run by criminal gangs of armed inmates. A common sentiment among prison wardens was that, while they may control the perimeter, inside the prison the inmates often made their own rules and had their own system of justice.

Budget allocations for necessities such as food, medicine, and transportation were insufficient. Most inmates begged for or purchased food from persons in the vicinity of the prison or obtained it from family members. Prisoners were often not taken to their trials unless they paid bribes to the guards, and visitors often had to bribe prison guards in order to visit prisoners. Similarly, detainees had to pay bribes to be allowed to attend vocational training offered at some facilities. Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. There were credible allegations that prisoners could obtain early release on parole for a bribe. Prisons often did not provide adequate medical care to inmates. Prisoners immobilized with HIV/AIDS or who had terminal illnesses were not transferred to hospitals.

According to the Office of the Attorney General, approximately 18,000 prisoners and detainees were held in 35 prisons with an intended capacity of approximately 9,000. Virtually all prisons experienced extreme overcrowding. La Victoria prison, the largest in the country, held more than 3,500 prisoners in a facility designed for 1,300. This severe overcrowding led to an informal market wherein prisoners paid as much as 40,000 pesos (approximately \$1,200) to acquire a bed. The cell blocks consisted of makeshift bed cubicles, stacked three high, in a densely packed warren of cells. Air circulation was a problem, and the danger of a fire outbreak was high.

Although a warden who reports to the attorney general was technically responsible for running each prison, in practice police or military officers (generally appointed for a period of only three to six months and responsible for providing security) were usually in charge of most prisons. Approximately 80 percent of prison guards were military or police officers rather than civilian correctional officers.

There were continued allegations of drug and arms trafficking, prostitution, and sexual abuse within the prisons. Drugs, weapons, and prostitutes were available in the prison system. There continued to be special sections within prisons where police officers convicted of criminal activity, including a few known human rights abusers, were interned.

Female inmates generally were separated from male inmates. Half of the total female population was held in a prison only for women. Conditions in the prison wings for women generally were better than those in prison wings for men. Female inmates, unlike their male counterparts, were prohibited from receiving conjugal visits. Those who gave birth while incarcerated were permitted to keep their babies with them for a year.

Juveniles were processed using specialized juvenile courts and, with increasingly rare exceptions, were held in juvenile facilities.

Because of serious overcrowding, authorities at many smaller facilities, such as Higuey prison, did not attempt to segregate prisoners according to the severity of criminal offense.

Pretrial detainees were held together with convicted prisoners. The Directorate of Prisons estimated that two-thirds of the prisoners were in preventive custody, awaiting trial. This figure was difficult to verify, as many prisoners were considered to be in preventive custody after an initial conviction because they were awaiting an appeal. The law states that the pretrial waiting period should not exceed three months, but it can be extended up to a year in certain cases.

There were also insufficient efforts to segregate and provide services to the mentally ill, especially at traditional prisons.

Prison authorities continued to revamp certain prisons to create "model" facilities; they improved the aging physical plant of existing facilities, replaced the police and military administration with professionally trained corrections officers under the authority of the Public Ministry, and focused on rehabilitation of and vocational training for inmates. In 2007 authorities began converting Salcedo prison into a model prison facility, one of 10 prisons which have either been converted or were in the process of conversion to a model facility. The attorney general reported that the incidence of corruption within these prisons remained minimal. However, this improvement for some prisoners came at the expense of others in the system, because when a facility was converted to a model prison, excess inmates were transferred to other locations, principally La Victoria, increasing the strain on that already-overcrowded facility.

The Government permitted prison visits by independent human rights observers and the press, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—Although the Criminal Procedures Code (CPC) prohibits detention without a warrant unless a suspect is apprehended in the act or in other limited circumstances, arbitrary arrest and detention continued to be problems. By law authorities may detain a person without charges for up to 24 hours. There were numerous reports of individuals held and later released with little or no explanation for the detention.

Role of the Police and Security Apparatus.—The National Police, the National Department of Intelligence (DNI), the DNCD, the Airport Security Authority (CESA), the Port Security Authority (CESEP), the Border Authority (CESFRONT), and the armed forces (army, air force, and navy) form the security forces. The Ministry of the Interior and Police is responsible for making policy decisions affecting the police force. The military, CESA, CESEP, and CESFRONT are under the secretary of the armed forces; the DNI and the DNCD, which have personnel both from the police and military, report directly to the president.

The military is only responsible for domestic policing when so decreed by the president, and the armed forces continued to provide troops to support the National Police in its nightly patrols of Santo Domingo, Santiago, and other areas of the country.

The police chief appointed in August 2007 announced a zero tolerance policy for abuses and violations of rights. Police officers were fired or prosecuted through the criminal justice system when found to have acted outside of established police procedures.

Under new management, the Internal Affairs Unit effectively investigated charges of gross misconduct by members of the National Police. These cases involved physical or verbal aggression, death threats, improper use of a firearm, muggings, and theft. By November Internal Affairs had conducted 1,820 investigations that resulted in 312 dismissals and 563 sanctions.

On many occasions police officials attempted to solicit bribes from individuals facing arrest or imposition of fines. Local human rights observers reported on a few occasions that immigration authorities rounded up undocumented construction workers and other manual laborers of Haitian origin or descent in an attempt to extort money from them. NGOs alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes were complicit in the illegal transit of Haitian workers into the country.

The Institute of Human Dignity, a branch of the National Police, conducted training courses for police officers. In the revised police curriculum, both new and existing officers received human and civil rights training as well as increased technical training. In addition, the Police Academy curriculum included a policy regarding use of force, wherein some police officers were trained in engaging suspects with less lethal force.

Training for military and DNCD enlisted personnel and officers included instruction on human rights. The Military Institute of Human Rights offered diploma

courses in human rights and regularly sent representatives to border units to conduct mandatory human rights training. The Secretariat of the Armed Forces provided human rights training or orientation to 807 officers of various ranks and 199 civilians during the year.

Arrest and Detention.—The constitution provides that an accused person may be detained for up to 48 hours before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. Any prisoner detained for more than 48 hours without being formally charged is entitled to file a motion of habeas corpus. The presiding judge at the habeas corpus hearing is empowered to order the prisoner's release when the prisoner has been detained for more than 48 hours without being formally charged or when there is insufficient proof of a crime to warrant further detention. The judge's decision to release a prisoner is subject to appeal by the district attorney.

The CPC establishes a more restrictive 24-hour time limit in which to make formal charges, which was generally observed.

Despite the foregoing provisions, at times the police detained suspects for investigation or interrogation beyond the constitutionally prescribed 48-hour. Police often detained all suspects and witnesses in a crime and used the investigative process to determine the individuals who were innocent and merited release, and those whom they should continue to hold. Even so, successful habeas corpus hearings reduced these abuses significantly.

Given the inefficiency of and corruption within the judicial system, a significant number of defendants granted bail failed to appear in court for a trial. Although previously granted only to a few defendants, bail became more common under the new CPC, which requires judicial review of detentions at an earlier point in a criminal case, but the system proved inadequate to prevent defendants from disappearing.

The law requires provision of counsel to indigent defendants, but most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. The National Office of Public Defense, with foreign donor support, provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing. Nationwide there were 16 public defense offices, with 140 public defenders, 72 part-time defense lawyers and five investigators. The Government continued its program to train public defenders on relevant changes caused by implementation of the CPC and expanded training for prosecutors. As mandated by law, the Attorney General's Office emphasized assistance to crime victims by conducting civil cases for victims who did not have the means to hire a private lawyer. To represent these victims, the Attorney General's Office operated a Legal Representation Victim's Office with 10 trained lawyers.

Police continued the practice, albeit less frequently, of making sporadic sweeps or roundups in low-income, high-crime communities, during which they arrested and detained individuals without warrants, allegedly to fight delinquency. During these sweeps police arrested large numbers of residents and seized personal property allegedly used in criminal activity.

Many suspects endured long pretrial detention. Under the CPC the judge has authority to order a detainee to remain in police custody between three months and one year. According to the Directorate of Prisons, average pretrial detention decreased but typically was between three and six months. Time served in pretrial detention counted toward completing a sentence. The Public Ministry continued implementing an automated case-tracking system that permitted prosecutors to adhere more effectively to pretrial detention regulations and thereby reduce the number of occasions when the CPC time limits were exceeded. This system covered 14 of 32 district attorney offices.

Juveniles at the Department for Minors at the Villa Juana police station commonly were held well beyond the 12-hour limit for sending the case to the district attorney's office. The law prohibits interrogation of juveniles by the police or in the presence of police. Prosecutors and judges handle juvenile interrogations.

The failure of prison authorities to produce the accused for court hearings caused a significant percentage of trial postponements. Inmates often had their court dates postponed because they were not taken from prison to court or because their lawyer, codefendants, or witnesses did not appear. The Government lacked the funding to transport all defendants between prison and court. Despite additional protections for defendants in the CPC, in some cases the authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them.

In addition to the judicial service offices established in La Vega and Moca in 2006–07, another was installed in Puerta Plata. These offices allowed urgent mat-

ters in need of a judge (such as obtaining an arrest or search warrant and conducting arraignments) to be attended to 24 hours a day. The latest such office was inaugurated in the district of Santo Domingo in September. These judicial service offices are part of an effort to increase efficiency and reorganize the courts so they operate in conformance with the CPC. This reorganization proceeded at a steady, if not rapid, pace.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, despite increasing independence in the judiciary, instances of political influence in decision making were still evident. Interference by public entities, when it occurred, tended toward public pronouncements regarding active cases and selective prosecution, as opposed to direct intervention in existing cases. On occasion, however, it appeared that judges in superior courts attempted to improperly influence lower court decisions. In addition corruption continued to be a serious problem.

The judiciary consists of a 16-member Supreme Court, various appeals courts, courts of first instance, and justices of the peace. There are specialized courts that handle tax, labor, land, and juvenile matters. A Magistrate's Council selects Supreme Court justices based on factors such as general reputation and time in service, although the political composition of the council leaves open the possibility for patronage appointments. Lower court judges are appointed following passage of rigorous entrance examinations, completion of a training program, and successful completion of an examination.

Overall, the professionalism of the judiciary continued to improve, largely as the result of an intensive government reform program initiated in 1996, including a training program for judges upon entry and continuing legal education.

The professionalism of attorneys remained spotty, with no formal minimum standards for general attorneys and almost automatic approval to practice law following general law classes. The Dominican Bar Association consistently argued against a bar examination. Public defenders and public prosecutors, however, were typically well qualified; their particular organizations required passage of objective examinations for employment.

Trial Procedures.—The law provides for a presumption of innocence, the right of appeal, and the right to confront or question witnesses. The law establishes a citizen's right not to be deprived of liberty without trial or legal formalities or for reasons other than those provided by law, the right against self-incrimination, and the right to a defense in an impartial and public trial. Defendants have the right to remain silent. There were credible allegations that authorities violated these rights in some cases, but there was improved adherence to due process as authorities became increasingly familiar with the modifications to the CPC.

Military and police tribunals no longer exercise exclusive jurisdiction over cases involving members of the security forces. Civilian criminal courts handle cases of killings allegedly committed by members of the security forces during the year.

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

Civil Judicial Procedures and Remedies.—There are separate court systems for claims under criminal law, commercial and civil law, and labor law. Commercial and civil courts reportedly suffered lengthy delays in adjudicating cases, although their decisions were generally enforced. As in criminal courts, undue political or economic influence in civil court decisions remained a problem.

Citizens had recourse to the remedy of "amparo," an action to seek redress of any violation of a constitutional right, including violations by judicial officials. Although this remedy was rarely used except by those with sophisticated legal counsel, civil society and journalists were beginning to seek amparo in major cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary entry into a private residence, except when police are in hot pursuit of a suspect or when a suspect is caught in the act of committing a crime. The law provides that all other entries into a private residence require an arrest warrant or search warrant issued by a judge. In practice, however, the police conducted illegal searches and seizures, including raids without warrants on private residences in many poor Santo Domingo neighborhoods.

Although the Government denied using unauthorized wiretapping or other surreptitious methods to interfere with the private lives of individuals and families, human rights groups alleged such interference continued.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individ-

uals or groups generally were able to criticize the Government publicly and privately without reprisal, although a local journalists' association reported threats and aggression against the free exercise of the press.

Newspapers and magazines presented a variety of opinions and criticisms. There were eight daily newspapers, a number of weekly newspapers, and numerous online news outlets. Editors at times practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners. Owners at times used the media to attack their critics. Coverage of the major bank fraud trials was often influenced by the fact that two of the major newspapers were owned by defendants in the trials.

In Bani in June, the district attorney, Victor Cordero Jimenez, allegedly attacked journalist Manuel Guillermo Mejia when Mejia asked about the district attorney's performance in a drug-related case, which ultimately led to his dismissal. The judge in Bani banned Cordero from leaving the country while the case against him was heard and required him to appear in court once every 30 days.

In September a local judge authorized a police search to obtain video and documents from the offices of two investigative journalists, Huchi Lora and Nuria Piera; however, they appealed and the search was not conducted. The journalists had released a story about nutritional deficiencies in milk the Government was serving to school children. LADOM, the firm that supplied the milk, sued the journalists for slander and requested the police search; it later withdrew the suit in the face of strong media criticism. The Government initiated a corruption investigation after it was reported that the daughter of the minister of education was a LADOM employee.

There were many privately owned radio and television stations, broadcasting a wide spectrum of political views. The Government controlled one television station. International media operated freely.

On August 7, cameraman Normando Garcia was killed in Santiago. An investigation examining the possibility that his death was related to his work as a journalist remained pending at year's end. The National Journalists' Union reported that civil, police, and military authorities; criminals; and other persons assaulted or threatened more than 53 journalists between March and September. As of October the NGO Reporters Without Borders reported more than 32 threats of violence against journalists or physical attacks on news organizations in which those responsible were often security forces. The Government did little to investigate the threats of violence or physical attacks on journalists, but according to NGOs, journalists were frequently summoned when their reporting was critical of the Government.

The police were protecting Carlos Corporan, a journalist from San Cristobal, following the revelation of a plot by unknown assailants to kill him for the reporting he completed linking local judges to drug trafficking.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available, including Wi-Fi hotspots. Blog functions were also available on several local press sites that allowed strongly stated views against the Government and other powerful sectors.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, but outdoor public marches and meetings require permits, which the Government usually granted. On several occasions, police officers used force to break up spontaneous demonstrations and injured demonstrators or bystanders.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The law prohibits discrimination on religious grounds, and many religious denominations were active.

The Catholic Church enjoyed special privileges not extended to other religions, under the terms of a concordat. For example, the cardinal has the rank of a military general officer and the Government only recognizes civil and Catholic marriages.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against members of religious groups. The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, there were some exceptions. Local and international human rights groups reported that hundreds of thousands of persons without proper documentation, including Haitian migrants and other persons of Haitian descent, faced obstacles in traveling both within and outside of the country.

Although the Government claimed it no longer practiced mass deportation, such practices were still reported. The new border control authority reported that from January to October, it had repatriated 6,184 Haitians. NGOs reported that in the majority of these cases, the Government's agents did not follow due process or internal basic human rights guidelines, despite the terms of a bilateral agreement with Haiti regarding repatriation of undocumented Haitians and express instructions from the director of migration to follow the guidelines.

The law prohibits forced exile, and there were no reports of its use.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government established a system for providing protection to refugees but has not implemented it effectively.

An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of the National Commission for Refugees, which is chaired by the Foreign Ministry. The subcommittee has the responsibility of making a recommendation to the commission, consisting of members from the Foreign Ministry, the DNI, and the Migration Directorate. The full commission has the responsibility for the final decision on the application but met only once during the past 14 years. The commission includes the three members of the subcommittee, the legal advisor to the president, and members from the National Police, the Ministry of Labor, and the Attorney General's Office.

As of October the Migration Directorate reported between 300 and 400 asylum applications, nearly all made by Haitians. Some of these cases had been awaiting decision since 2000, with only six new cases filed during the year. According to NGOs, hundreds of other asylum seekers submitted claims that had not been processed, leaving those individuals in a state of legal limbo for years. Most of these individuals lacked documentation sufficient to obtain permission to work legally and to exercise other rights, such as obtaining documentation for their children.

Although the Government provided some protection against the expulsion or return of persons to countries where their lives or freedom might be threatened, there was still a risk of deportation. Protection generally applied to individuals who gained access to the refugee process and had been issued proof that they were refugees or had applications pending. The documents provided do not bestow significant legal rights, including residency, and due to lack of training, may not be recognized by all officials who might apprehend such a person. Authorities took no affirmative action to prevent deportation of registered asylum seekers.

The 1951 UN Convention relating to the Status of Refugees provides that children born to refugees also be entitled to refugee status. There were reports that children born to Haitian refugees—even those born to holders of migration documents—were routinely denied birth certificates as well as education, health, and security documentation. In this respect they received the same treatment as any undocumented Haitian migrant.

Stateless Persons.—The constitution provides that anyone born in the country is a Dominican national, except children born to diplomats or those “in transit.” However, the Government regularly used the in transit exception to deny registration as nationals to children born in the country of parents of Haitian descent, even when their parents and grandparents had resided in the country for long periods of time. In 2005 the Supreme Court ruled that transit status applied to children of undocumented migrants.

Haitian consulates reported that they were legally authorized to register only those births that were declared within a year. Parents declaring a birth were required to submit valid forms of identification in order to file a claim. These requirements could not be met by a significant number of persons of Haitian descent in the country, and thus their children remained undocumented. Consequently, thousands of Dominican-born persons of Haitian descent were functionally stateless; one estimate placed the number at between 600,000 and one million persons.

The Dominicans and Dominican-born persons of Haitian descent who lacked citizenship or identity documents faced obstacles in traveling both within and outside of the country. In addition persons who are undocumented cannot obtain the na-

tional identification card (cedula) or a voting card. Persons without a cedula have limited access to formal sector jobs, public higher education, marriage and birth registration, formal economy services such as banks and loans, access to courts and judicial procedures, and owning land or property.

Government officials often took strong measures related to citizenship for persons of Haitian descent. In March 2007 the Central Elections Board (JCE) issued an administrative instruction ordering officials to refrain from issuing, signing, and providing official copies of birth documents for individuals whose parents were foreigners and had not legally proven their residency. This resulted in cases of retroactive cancellation of birth and identity documents, many pertaining to persons of Haitian descent. The Government stated that such cancellations were based on evidence that the documentation had been obtained fraudulently, that the cases numbered in the hundreds, and that only a small fraction involved parents of Haitian descent. However, advocacy groups alleged that the revocations targeted persons whose parents were Haitian or whose names sounded Haitian and that the number of revocations was in the thousands. In September the JCE completed an internal memo directed at revoking the birth certificates and cedula of 126 children born to Haitian migrants and their children. Some of the births had been recorded decades ago, with several from the early 1970s. The JCE was unable to locate similar memos directed at other nationalities by year's end. In July, the JCE reported discovering 2,416 cedula "irregularly issued" to foreigners between 1994 and 1997. Of these, 82, or 3 percent, were issued to Haitian migrants or persons of Haitian descent.

In May, although the courts initially decided to issue a birth certificate to Nuny Angra Luis, whose parents were not Dominican, the JCE appealed and won based on an argument that the original birth certificate was "issued in an irregular manner."

The Government has taken no action in the case of Norberto Selvi, who was denied a copy of his birth certificate in 2007.

Also in March 2007, the JCE created a registration system that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. This involved a registration book for foreigners. Regulations stipulated that children born of parents who were not legal residents of the country and have documentation from their home country may register their child in the book, after which the parents would be given an official report of birth, which does not confer citizenship. Only children born in hospitals are eligible for registration in the book. Children of undocumented mothers are given provisional birth certificates until the mother obtains her documents. An undocumented mother may make a late declaration in the civil registry by presenting her parents' birth certificates. However, most undocumented mothers could not comply with this requirement as their parents also did not have documents.

Local and international NGOs reported that since implementation of the foreigner's book, hospitals and civil registries did not register numerous children of Haitian migrants and their descendants. As of November the JCE reported that approximately 200 of some 300 children registered in the foreigner's book were of Haitian descent. Based on average birth rates and the estimated population of Haitians in the country, between 10,000 and 20,000 children are born to Haitian migrants and their descendants each year. NGOs reported that some Haitian parents who were in the country legally, and whose children are Dominican nationals under Dominican law, were required to register their children's births in the foreigner's book.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage. Active-duty police and military personnel may not vote or participate in partisan political activity.

Elections and Political Participation.—On May 16, PLD candidate Leonel Fernandez won the presidency in an election described as generally free and fair by the Organization of American States, independent observers, and the Government electoral board. Observers also described the 2006 congressional and municipal elections as generally free and fair.

By law parties must reserve for women 33 percent of positions on their lists of candidates for the House of Representatives and city councils; in practice the parties often placed women low on the lists. There were two women in the 32-member Senate, 33 women in the 178-member House of Representatives, two women in the cabinet, and five women on the 16-seat Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials who engaged in corrupt practices did so with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem.

Government officials brought a number of private and public sector corruption cases to trial, although there appeared to be a reluctance to investigate seriously and prepare for trial cases involving senior government officials of either the current or former government. In those cases that went to trial, the prosecution had little success in obtaining either convictions or prison sentences. An exception was a case involving Plan RENOVE, a public transportation program. In February 2007 the Supreme Court issued a final verdict of conviction and sentenced the defendants to six months of house arrest or minimum security prison. The use of nonjudicial sanctions, such as dismissal or transfer, against armed forces members, police officers, and other minor government officials engaged in bribe taking and other corrupt behavior accelerated but ultimately provided insufficient incentive to check pervasive petty corruption. Society's widespread attitude of tolerance toward at least some forms of corruption complicated the problem.

The Commission for Ethics and the Fight Against Corruption, appointed by the president, continued to operate, although with little or no impact as it lacked well-defined authorities and decision-making structures.

The Attorney General's Office removed three prosecutors in Bani for their alleged involvement in a case related to the killing of seven supposed drug traffickers, and arrested several naval officers and a former police officer. Authorities also removed two other district attorneys for "professional misconduct."

Judicial proceedings related to the fraud-based 2003 collapse of Banco Intercontinental (Baninter) concluded in July when the Supreme Court ratified the conviction of three defendants and found the fourth defendant guilty on appeal. In addition to fines, the court sentenced three defendants to 10 years in prison and the fourth one to five years. Civil society commentators considered the trial to be a major challenge to impunity; two of the principal defendants, Baninter former president Ramon Baez Figueroa and economist Luis Alvarez Renta, reportedly had strong ties within local political circles.

On December 22, however, President Fernandez pardoned a convicted former Baninter vice president as well as four persons convicted in the RENOVE case. Most members of the Pardons Commission resigned in protest against the pardons.

Judicial rulings were often not enforced. In a case involving a foreign firm the Government refused to enforce a court ruling to halt an illegal blockade of a refining plant by disgruntled ex-contractors.

In July, following allegations of corruption within the Court of Accounts, Congress investigated and voted to remove all members of the institution.

The law requires that the president and vice president, members of congress, some agency heads, and other officials such as mayors and council members, as well as income tax and customs duty collectors, make declarations of their inventory of personal and real property within a month of being hired and when they "end their responsibilities." However, compliance was spotty, verification inadequate, and the information required was not particularly useful. The Department of Prosecution of Corruption, an office within the Public Ministry, is in charge of reviewing these declarations.

The law provides for public access to government information, with limits on the availability of public information only under specified circumstances (such as to protect national security), and penalties of up to six months to two years in prison and a five-year ban from positions of public trust for government officials who obstruct access to public information. A court may review the decision of an agency to deny access to information. Since its first use in 2007 involving documents related to a costly underground public works project, which required Supreme Court intervention to force the documents' production, there were no subsequent recourses to the courts to enforce requests. While often timely, responses were also often incomplete, and the Government dismissed subsequent requests.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials generally were cooperative and responsive to their views, human rights groups who advocated for the rights of Haitians and persons of Haitian descent were an important exception and faced occasional government harassment.

In August police entered the house of Manuel Maria Mercedes, the human rights pastor for the Evangelical Church, without authorization.

In March 2007 the JCE prepared an internal memo recommending that Dominican-Haitian activist Sonia Pierre be stripped of her citizenship, an action seen by many as retaliation for her advocacy. The JCE's president subsequently disavowed the leaked internal investigation report, stating that the inquiry had been carried out at the request of a single congressman.

Also in 2007, government officials protested overseas showings of documentary films such as *Sugar Babies* and *The Price of Sugar*, produced by activist groups that advocate improved labor and human rights conditions in the sugar industry.

Principal local groups included the Dominican Human Rights Committee, the National Human Rights Commission, and the Santo Domingo Institute of Human Rights. There were also several smaller secular and religious organizations that addressed women's rights, labor issues, and the rights of Haitians and their descendants in the country.

By year's end the Government had still not implemented a 2001 law mandating the creation of a human rights ombudsman's office.

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

Although the law prohibits discrimination based on race and gender, such discrimination existed, and the Government seldom acknowledged its existence or made efforts to combat it.

Women.—Rape was a serious and widely underreported problem. The penalties for rape are 10 to 15 years in prison (or 10 to 20 years in case of rape of a vulnerable person or under other egregious circumstances) and a fine of 115,000 to 230,000 pesos (approximately \$3,300 to \$6,600). The state may prosecute a suspect for rape even if the victim does not file charges, and rape victims may press charges against a spouse. Victims often did not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. Police were reluctant to handle rape cases and often encouraged victims to seek assistance from NGOs.

Domestic violence continued to be a serious problem. Under the Law against Domestic Violence, the state can prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one to 30 years in prison and fines from 700 to 245,000 pesos (approximately \$20 to \$7,000). A local NGO estimated that 20 percent of women between the ages of 15 and 49 had been victims of physical abuse at some point in their lives. In 2007, 177 women were killed as a result of violence against women.

According to the district attorney, in the National District, which includes a large section of Santo Domingo with approximately 10 percent of the country's population, more than 6,000 women had experienced gender violence. Of those claims, 31 percent involved physical violence and 32 percent included psychological abuse and verbal threats. The district attorney of Santo Domingo had a specialized Violence Prevention and Attention Unit. With 14 satellite offices around the city, victims of violence could file criminal complaints, obtain free legal counsel, and receive psychological and medical attention. Police were instructed to forward all domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue temporary restraining orders immediately after receiving complaints and to serve as messengers for the victims, which prevented contact between the victim and the abuser.

Although the number of complaints received by the Violence Prevention and Attention Unit increased, which may have reflected the growing awareness of the resources available to victims, few cases went to trial. As of September the unit received 7,478 cases of violence against women. Of the total cases, 2,210 were in the process of investigation, 1,027 were sent to trial, and 300 were dismissed.

The National Directorate for Assistance to Victims coordinates efforts of official and nongovernmental institutions that offer services to victims of violence. It has three offices in Santo Domingo and another three around the country. These offices not only accepted criminal complaints from victims of violence throughout the country but also provided counseling and protection services and, when necessary, referrals to medical or psychological specialists. The Attorney General's Office, the Secretariat of Women, and various NGOs conducted outreach and training programs on domestic violence and legal rights. Additionally, the Attorney General's Office established a public information campaign against sexual and labor exploitation and launched a national hot line for prevention and victim assistance.

The Secretariat of Women also operated two refugee shelters for victims of domestic violence in undisclosed locations, where abuse victims could make a report to the police and receive counseling.

Prostitution is legal, although there are some prohibitions against sex with minors, and it is illegal for a third party to derive financial gain from prostitution. However, the Government usually did not enforce prostitution laws. Sex tourism remained a serious problem, particularly in Las Terrenas, Cabarete, Sosua, and Boca Chica. Human rights groups reported continuing prostitution in sugarcane work camps and areas outside the capital. NGOs conducted programs about prostitution and child sexual exploitation for hotel and industrial zone workers, male and female prostitutes, and other high-risk groups.

Sexual harassment in the workplace is a misdemeanor and carries a possible penalty of one year in prison and a fine of up to 10,000 pesos (approximately \$286); however, union leaders reported that the law was not enforced, and sexual harassment was a problem.

Although the law provides that women have the same legal status as men, in practice women experienced discrimination. Women did not enjoy social and economic status or opportunity equal to those of men, and men held most leadership positions in all sectors. In many instances women received less pay than men in jobs of equal content and requiring equal skills. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Although it is illegal to discriminate based on such tests, NGO leaders reported that pregnant women often were not hired and that female employees who became pregnant sometimes were fired. There were no effective government programs to combat economic discrimination against women.

Children.—The Government declared its commitment to children's rights and welfare and tried to increase protection for children, with emphasis on eliminating child labor. However, the Government did not meet the law's stipulation that the noncabinet National Council for Children and Adolescents (CONANI) receive at least 2 percent of the national budget and that a minimum of 5 percent of municipal government budgets be devoted to projects to benefit children.

In October the NGO Profamilia and the UN Children's Fund (UNICEF) reported that 13 percent of children were not registered at birth. A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. Undocumented children, particularly those of Haitian descent, faced challenges in accessing primary public education (*See* Section 2.d.).

Although education is free, universal, and compulsory for all minors through the eighth grade, legal mechanisms provide only for primary schooling, which was interpreted as extending through the fourth grade.

Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. Through June, in orphanages alone, CONANI reported 20 cases of sexual abuse, 46 cases of physical abuse, and 47 cases of commercial sexual exploitation of children under the age of 18. Few such cases reached the courts, due to fear of family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that in most abuse cases, the accused was a person close to the child, such as a family member or close family friend. The law provides for removal of a mistreated child to a protective environment.

Local monitors believed that instances of child abuse were underreported because of the social norm that such problems should be dealt with inside the family. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides penalties of between two and five years' incarceration and a fine of three to five times the monthly minimum wage for persons found guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking.

The Government's National Directorate for Assistance to Victims coordinated efforts of official and nongovernmental organizations to assist children who were victims of violence and abuse.

Trafficking and sexual exploitation of children within the country were problems, particularly in major urban areas and popular tourist destinations. Child prostitution often was based on economic need, and the Government initiated several programs to combat the sexual exploitation of minors, including notices in airports and targeted programs in popular tourist locations.

Child labor was a serious problem in the informal sector of the economy.

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that men, women, and children were trafficked to, from, and within the country.

The NGO Center for Integral Orientation and Investigation (COIN) estimated that from 17,000 to 33,000 Dominican women abroad were victims of trafficking. Principal destination countries were in Western Europe, Argentina, Brazil, and Central American and the Caribbean. Women 18 to 25 years of age were at the greatest risk of being trafficked. Many victims were single mothers with low levels of education seeking to improve the living conditions of their children. Internally trafficked victims were typically women or adolescents trafficked for sexual exploitation to urban or tourist areas.

NGOs estimated that there were hundreds of alien smuggling and trafficking rings operating within the country operated by Dominicans and foreigners. According to COIN and the International Organization for Migration (IOM), trafficking organizations were typically small groups. Individuals in the country recruited the persons to be trafficked and obtained identification and travel documents. Traffickers frequently met women through friends and family; they promised some form of employment, obtained false or legitimate documents for the women, and often retained their passports after arrival in the destination country. Trafficking organizations reportedly received 175,000–280,000 pesos (approximately \$5,000–\$8,000) for trafficking a woman for purposes of sexual exploitation.

The law includes penalties for traffickers of 15–20 years' imprisonment and a fine of up to 175 times the monthly minimum wage. The Code for Minors provides penalties for sexual abuse of children of 20–30 years' imprisonment and fines from 100–150 times the minimum wage.

In October 2007 the Government established the National Commission against Trafficking in Persons, charged with developing a national strategy to combat trafficking and improve victim protection, but at year's end it was unclear whether the Government would approve and fund it. As of year's end, the Attorney General's Office had four open investigations into trafficking in persons. The Government completed investigation of a case involving two Dominican women trafficked to Turkey, a court issued arrest warrants for two trafficking suspects, and authorities were engaged in a manhunt for them. In May the Department of Alien Smuggling and Trafficking in Persons rescued 16 women who were trafficking victims in Santo Domingo. The IOM provided shelter for 15 of them for 15 days, after which they returned to their country. Only one of the women agreed to cooperate with the prosecutor's office and stayed several more days to testify in open court against the traffickers.

The attorney general's antitrafficking unit coordinated the investigation and prosecution of trafficking cases. Units at the National Police, the Migration Directorate, and the Attorney General's Office targeted trafficking in persons, as did the interagency Committee for the Protection of Migrant Women. The Migration Directorate's antitrafficking department coordinated with the Attorney General's Office and the National Police to find and prosecute persons dedicated to trafficking women for prostitution and commercial sexual exploitation.

The Government made efforts to investigate public officials who facilitated, condoned, or were complicit in trafficking activities or migrant smuggling, but lack of resources and access to closed ethnic communities hampered efforts to bring cases to trial.

The Government provided some assistance to trafficking victims both overseas and in the country, but it relied on NGOs and international organizations to provide the bulk of protection services. The Ministry of Foreign Affairs developed a worldwide network of consular officers trained to recognize and assist victims of trafficking. There were several church-run shelters that provided refuge to children who escaped prostitution. Public shelters for victims of domestic violence were generally not accessible to trafficking victims. The Government began an awareness-raising campaign by radio, television, and print media to discourage illegal emigration and combat human trafficking.

The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, in coordination with the Ministries of Labor and Education, continued outreach training at schools around the country. The courses warned children of the dangers of alien smuggling, commercial sexual exploitation, and trafficking. The Government and various organizations continued efforts to address the problem of sex tourism in high volume tourism areas. NGOs also conducted programs for hotel and industrial zone workers about prostitution and child sexual exploitation issues.

COIN and the IOM counseled women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other problems, including the dangers of trafficking, forced prostitution, and forced domestic servitude. COIN administered the Center for Health and Migration Information for Migrant Women, which carried out community education campaigns in high-risk areas on these issues, as well as citizenship documentation and legal work requirements. With

IOM support, COIN also provided a minimal level of clinical services and adult education classes for returned women.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Although the law prohibits discrimination against persons with disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but the authorities did not enforce this provision. The Dominican Association for Rehabilitation, which had 17 branches around the country, received a subsidy from the Ministry of Public Health to provide rehabilitation assistance to persons with disabilities.

Discrimination against persons with mental illness was common across all public and private sectors, and there were few resources dedicated to the mentally ill.

National/Racial/Ethnic Minorities.—There was significant evidence of racial prejudice against persons of dark complexion, but the Government denied that such prejudice exists and therefore did little to address the problem. Acts of discrimination were common. In particular there were strong prejudices against Haitians, which disadvantaged many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of dark complexion. Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Local NGOs reported incidents where darker-skinned persons were denied access or services in banks, enrollment in private schools, and birth registration in hospitals. In a November 2007 report, the UN Special Rapporteurs for Racism and the Rights of Minorities urged authorities to recognize the existence of racism and discrimination against minorities, adopt a national action plan to address the problem, revise a JCE rule that resulted in revocation of identity documents for Haitians, and cease mass repatriations of Haitians. Government officials responded to the report with a denial that racism existed in the country, referencing comments that the country was a mulatto community. They asserted that the JCE rule focused on fraud and that Haitians in the country could receive their identity documents in Haiti. The Government also claimed there were no grounds to state that black Dominicans were being repatriated to Haiti and noted that authorities suspended repatriations on Fridays to prevent employers from using this as a tool to avoid paying laborers for the week's work.

Haitians continued to immigrate to the country in search of economic opportunity, and the Government repatriated many of them. Migration authorities and security forces conducted periodic sweeps throughout the year to locate and repatriate undocumented persons of Haitian descent. Some of those removed from the country reported that they were denied the opportunity to demonstrate that they were legal residents, to make arrangements for their families or property, or to express a credible fear of persecution or torture if returned to Haiti. NGOs reported that migration officials and security forces sometimes confiscated and destroyed expellees' residency documents and passports despite standing government orders to respect the human rights of the expellees. In some cases expellees with appropriate legal documents received permission to return.

Some Haitian immigrants lived in shantytowns or sugarcane work camps known as "bateyes." As in many poor areas in other parts of the country, these were harsh environments with limited or no electricity, usually no running water, and no adequate schooling. In many bateyes, medical assistance either was rudimentary or not readily available and clean water was rarely available. Many batey residents, lacking documentation, felt they had little choice but to remain in their communities, where they felt relatively safe from the risks of deportation and harassment that existed elsewhere in the country.

Although human rights NGOs and activists described living conditions in the bateyes as modern-day slavery, private sector enterprises in the sugar sector continued to make improvements at their facilities that began in 2007, including new schools and both new and renovated housing. In Nuevo Cayacoa the construction of a fully modern housing and community development was well underway.

Other Societal Abuses and Discrimination.—There were no reports of violence against persons on the basis of their sexual orientation.

Persons with HIV/AIDS, particularly women, faced discrimination in the workplace and elsewhere. According to the UN agency UNAIDS, an estimated 60,000–65,000 persons in the country were infected with the disease. According to Human Rights Watch and Amnesty International, workers in many industries faced obligatory HIV testing in the workplace or when seeking medical care or medical insurance. Workers or patients found to have the disease could be fired from their jobs or denied adequate health care. Although the law prohibits the use of HIV testing

to screen employees or for medical services unrelated to the disease, there were no known instances where this law was enforced, despite reports that official complaints had been filed.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the freedom to organize labor unions, and all workers, except the military and the police, were free to form and join unions of their choice. Organized labor represented an estimated 8 percent of the work force. The law calls for automatic recognition of a union if the Government has not acted on its application within 30 days.

A few labor unions represented a small number of Haitian workers, who are covered by the Labor Code regardless of legal status. Various NGOs reported that the majority of Haitian laborers in the agricultural and construction industries did not exercise their rights, fearing firing or deportation. In November, however, 500 undocumented Haitian employees of a private sugar producer sued their employer and won the right to benefits and a written contract. The ruling was on appeal at year's end.

The law provides for the right of most workers to strike (and for private sector employers to lock out workers), but formal strikes were not common. Formal requirements for a strike include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike.

Government workers and essential public service personnel are not allowed to strike.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is legal and must be used in firms in which a union has gained the support of an absolute majority of the workers. Few companies had collective bargaining pacts, and the International Labor Organization (ILO) considered the requirements for such pacts to be excessive and an impediment to collective bargaining.

The law establishes a system of labor courts for dealing with disputes. While cases made their way through the labor courts, the process was often long and cases remained pending for several years. The most recent study by the Foundation for Institutionalism and Justice, a local NGO, showed that the average case resolution time was 15.3 months in courts of first instance and 16.4 months in appeals court.

Many participants reported that nonbinding mediation facilitated by the Ministry of Labor was the most effective method for resolving worker-company disputes.

The law forbidding companies from firing union organizers or members was enforced inconsistently, and penalties were insufficient to deter employers from violating worker rights. There were reports of harassment and intimidation by employers in an effort to prevent union activity, especially in the free trade zones (FTZs). The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported continued incidents of antiunion activity at the TOS Dominicana plant in Bona. The Ministry of Labor facilitated talks between the plant owners and employees, and in August the parties signed a three-year collective bargaining agreement following nearly one year of negotiation.

Local NGOs reported that companies routinely attempted to create "yellow" or company-backed unions in an effort to dilute the worker union's power.

The International Trade Union Congress reported an agricultural export company in the north of the country still refused to recognize a union following a protracted fight ultimately requiring the workers to seek and receive legal recognition of the union. According to FEDOTRAZONAS, the company continued its antiunion campaign and discriminated openly against union members, who were forced to work overtime and were refused water and transport in and outside the fields. FEDOTRAZONAS also reported that Haitian workers at the company were being paid below the minimum wage and that all employees were required to take a blood test allegedly related to HIV. The Ministry of Labor was investigating these claims at year's end.

The Labor Code applies in the 57 established FTZs, which employed approximately 155,000 workers. According to the National Council of Labor Unions, unions were active in only eight companies in the FTZs, and only four unions had established collective bargaining rights. Workplace regulations and their enforcement in the FTZs did not differ from those in the country at large, although working conditions were sometimes better and the pay was occasionally higher. Mandatory overtime was a common practice.

There were reports of widespread covert intimidation by employers in the FTZs to prevent union activity. Unions in the FTZs reported that their members hesitated to discuss union activity at work, even during break time, for fear of losing their

jobs. Unions accused some FTZ companies of discharging workers who attempted to organize unions. The majority of the unions in the FTZs were affiliated with the National Federation of Free Trade Zone Workers or with FEDOTRAZONAS. FEDOTRAZONAS estimated that fewer than 10 percent of the workers in the FTZs were unionized. Many of the major manufacturers in the FTZs had voluntary codes of conduct that included worker rights protection clauses generally consistent with the ILO Declaration on Fundamental Principles and Rights at Work. However, workers were not always aware of such codes or of the principles they contained.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports of trafficking in children within the country. Mandatory overtime, a common practice, was sometimes enforced through locked doors or loss of pay or employment for those who refused.

Private sugar producers asserted that they have ceased transporting new, undocumented workers from Haiti, for a variety of reasons; however, the producers acknowledged hiring some new Haitian workers already residing in the country. NGOs reported that the practice of bringing in new, undocumented migrant labor from Haiti continued.

d. Prohibition of Child Labor and Minimum Age for Employment.—While the law prohibits employment of children younger than 14 years of age and places restrictions on the employment of children under the age of 16, child labor remained a serious problem, although there was evidence it lessened during the year. In October the NGO Profamilia and UNICEF reported that 9.7 percent of minors between 10 and 17 years of age worked illegally, compared with a 2000 survey that estimated this proportion at 18 percent. Regulations limited working hours of those between the ages of 14 and 16 to six hours per day, prohibited employment of those under the age of 18 in hazardous occupations or in establishments serving alcohol, and limited night work. Fines and legal sanctions may be applied to firms employing underage children. While the Government effectively enforced these regulations in the formal sector, child labor was a problem in the informal sector largely beyond regulatory reach.

Child labor took place primarily in the informal economy, small businesses, private households, and agriculture. Children often accompanied their parents to work in agricultural fields, in part because parents had nowhere else to leave their children, since schools in the countryside were usually in session only for a few hours a day. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations.

There continued to be inconclusive evidence that poor Haitian families arranged for Dominican families to “adopt” and employ their children, in hopes of assuring a more promising future for them. The adoptive parents commonly considered the child as their own and sometimes provided the birth parents a monetary payment or a supply of clothes and food. In some cases adoptive parents reportedly did not treat the adopted children as full family members, expecting them to work in the households or family businesses rather than to attend school, which resulted in a kind of indentured servitude for children and adolescents.

The Ministry of Labor and other government institutions, as well as organizations from civil society, continued to work with the ILO’s Program for the Elimination of Child Labor that aims to withdraw 2,900 children from and prevent 2,200 children from entering exploitive labor, as well as other programs aimed at combating child labor. These included programs to eliminate the employment of children in hazardous agriculture in rice-growing regions. The effort also included a program to combat the commercial sexual exploitation of minors in popular tourist destinations such as Boca Chica, Sosua, and Las Terrenas. These programs provided psychological support and medical assistance, returned children to classrooms, and reunited children with their families and communities whenever possible. The programs also provided legal assistance to child victims to arrest and convict exploiters.

The Ministry of Labor confirmed through site inspections that the sugar consortium’s bateyes no longer used child labor on their property. NGO sources, however, stated that child labor could still be found in these facilities. The Ministry of Labor employed 203 labor inspectors, all of whom received special training to locate and eliminate illegal child labor.

The National Steering Committee against Child Labor’s plan to eliminate the worst forms of child labor set objectives, identified priorities, and assigned responsibilities so that exploitive labor could be efficiently tackled and the number of child laborers significantly reduced. In January the Ministry of Labor launched a program to support public-private partnerships aimed at preventing hazardous child labor with a goal of withdrawing or preventing 8,500 children from exploitive labor.

The Ministries of Labor and Education continued to support the Combating Child Labor through Education program, which established several camps that hosted large numbers of children and adolescents. The Government also created a program in the provinces of Barahona, Baharuco, and Independencia to eliminate the worst forms of child labor in the sugar plantation-linked bateyes.

There were no confirmed reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work.—The executive branch sets minimum wage levels for public workers, and the tripartite National Salary Committee sets levels for the private sector, with the exception of workers in the FTZs and the sugar, construction, hotel, and shoe manufacturing industries. The minimum monthly salary was 4,900 pesos (approximately \$140) in the FTZs and between 4,485 and 7,360 pesos (\$128 and \$210), depending upon the size of the company, outside the FTZs. The minimum wage for the public sector was 2,600 pesos (\$81) per month. The daily minimum wage for farm workers covered by minimum wage regulations was 150 pesos (\$4.70), based on a 10-hour day. Cane workers were subject to a special, lower minimum wage for the sugar industry, 95 pesos (\$2.71) per day. The national minimum wage did not provide a decent standard of living for a worker and family.

The law establishes a standard work period of 44 hours per week and stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. The law provides for premium pay for overtime, which was mandatory at some firms in the FTZs.

On sugar plantations cane cutters usually were paid by the weight of cane cut rather than the hours worked. Cane cutters suspected fraud by weighing station operators and noted that employers sometimes did not provide trucks or carts to transport the newly cut cane at the end of the workday, causing workers to receive lower compensation because the cane dried out overnight and weighed less. Company officials denied that there were delays in transporting cane, noting that any delay would be detrimental to their business operation. The amount of cane a worker could cut varied, but most young able-bodied workers were able to cut two to three tons of cane in a workday, yielding a daily wage of 160–240 pesos (approximately \$5.00–\$7.50). However, older, less able-bodied workers were only paid for the amount of the cane they actually cut, even if the amount was less than the minimum wage. In addition during the six-month off-season, workers in some sugar plantations who opted to remain in their communities were offered small jobs such as clearing land, which were generally insufficient to earn the legally mandated minimum wage.

Conditions for agricultural workers were poor. Workers in the sugarcane industry who lived in bateyes had inadequate schools, medical facilities, running water, and sewage systems. Employers in the sugar cane industry allegedly withheld a portion of wages to ensure that workers returned for the next harvest. Sugarcane workers often did not receive medical services or pensions due them even though deductions were taken from their pay.

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. Both the IDSS and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The Secretariat of Labor had 203 active inspectors. Workers complained that inspectors were not trained and did not respond to health and safety complaints. While the law requires that employers provide a safe working environment, in practice workers could not remove themselves from hazardous working situations without losing their jobs.

ECUADOR

Ecuador is a constitutional republic with a population of approximately 13.8 million. In 2006 Rafael Correa won the presidency in runoff elections that were considered generally free and fair. Correa took office in January 2007. On September 28, voters approved a referendum on a new constitution, which became effective on October 20. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there continued to be problems in the following areas: isolated unlawful killings and use of excessive force by security forces, sometimes with impunity; poor prison conditions; arbitrary arrest and detention; corruption and other abuses by security forces; a high number of pretrial detainees; and corruption and denial of due process within the judicial system. Societal problems continued, including violence against women;

discrimination against women, indigenous persons, Afro-Ecuadorians, and homosexuals; trafficking in persons and sexual exploitation of minors; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Although the Government or its agents did not commit any politically motivated killings, there continued to be credible reports that security forces used excessive force and committed isolated unlawful killings.

In May 2007 the president set up a commission to investigate human rights violations committed under the Government of Leon Febres Cordero (1984–88) and in other periods. The commission investigated 307 cases of alleged human rights violations and investigations continued at year's end.

On January 15, police allegedly shot and killed two men, one a fellow officer, without asking questions of the suspects, after a citizen reported that she had been threatened. Police claimed the two men were carrying weapons; the officers shot first, killing the two men. An investigation continued at year's end.

On May 15, police in Esmeraldas arrested Klever Arce Toro, an off-duty military conscript, who was found dead three days later. An autopsy determined the cause of death was a gunshot fired at close distance.

Police officers Reynaldo Enrique Mendoza Roldan and Carlos Rene Guanotaxi Suintaxi, charged in the April 2007 killing of Juan Carlos Vera Faguizon in Manta, paid \$800 (the U.S. dollar is the official currency) for bail; charges against them were dropped, and they resumed their functions as police officers.

Police officer Miguel Angel Chiran was convicted and sentenced to 12 years' imprisonment for the 2006 off-duty killing of a taxi driver.

The Ecumenical Human Rights Commission (CEDHU) reported that mob violence against suspected criminals continued at the level of the preceding year. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities, where there was little police presence.

On April 7, a mob lynched and burned alive two Colombians after they allegedly killed a local resident in an attempted robbery in San Vicente, Manabi Province. The prosecutor investigated the case and requested that it be dismissed due to lack of merit.

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

Criminal kidnapping for profit continued to be a problem in selected regions of the country. There also were reports of extortion and threats of kidnapping of ranchers, farmers, and businessmen along the Colombian border. As of August police registered 354 kidnapping cases and 143 "express kidnappings" (in which a person is driven around and forced to make automatic withdrawals of personal funds) and made 86 related arrests, compared with 357 kidnappings and 155 "express kidnappings" in all of 2007.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the previous and new constitutions and laws prohibit torture and similar forms of intimidation and punishment, some police officers reportedly tortured and abused suspects and prisoners, often with impunity.

At year's end the Government had not acted on a 2005 finding by the UN Committee Against Torture that the country's laws on torture do not meet standards set by the UN Convention Against Torture, notably because the definition of torture in the criminal code criminalizes "corporal torment" but not psychological torture, and it does not correspond to the definition outlined in the convention. Torturers often were fined rather than imprisoned.

Through December CEDHU registered 67 cases of alleged "torture" or "unwarranted physical aggression" by police forces. On January 18, police officer Fernando Santiago Moreno Charro, accompanied by other officers, entered the Salesian University reportedly with the purpose of physically abusing student Nadia Cristina Traslavina Bossano because of her personal disagreements with Moreno's daughter. The police attacked two students who tried to defend Bossano. Bossano sustained injuries that caused physical incapacity. An investigation continued at year's end.

Three men in Quito claimed that on March 25–27, police arrested them for attempted robbery and then detained them on charges of illegal possession of arms. The men alleged that police handcuffed, beat, and tortured them to force confessions that they had taken part in the robbery. A medical examination found that one of the detainees was beaten on his arms, buttocks, and legs; no such examination was legally authorized for the two other detainees. The police allegedly called in a lawyer who, without conferring with his clients, signed the confession of the three men,

who remained in detention. At the request of the Ministry of Government's Directorate for Human Rights, the police chief allegedly involved in the case was being investigated at year's end.

There were no known developments in the May 2007 police beating of 16-year-old Victor Javier Tipan Caiza. An internal police investigation in 2007 determined that two officers were guilty of committing a crime; no action was taken. However, a criminal investigation continued at the end of the year.

On March 14, the Constituent Assembly passed an amnesty to benefit individuals who were detained due to violations of military curfew in November 2007, when President Correa sent in the army to restore order in Dayuma, Orellana Province. All detainees were released except Prefect Guadalupe Llori. Llori, who was originally detained in relation to this case and then imprisoned on charges of embezzlement, was released on September 23.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands.

Overcrowding was a chronic problem in most prison facilities, although the Ministry of Justice reported that it had remodeled seven detention centers throughout the country. As of June the National Agency for Social Rehabilitation (DNRS) reported that 17,201 prisoners were being held in facilities designed to hold less than half that number.

A number of prisons experienced serious outbreaks of disease, and medical care often was inadequate. The daily allocation for prison rations was \$1 per inmate; prisoners often supplemented these rations by buying their own food.

Information on the number of prisoners who died during the year was not available. In April 2007 prisoners Juan Carlos Alava Chavez and Israel Mariscal Vasquez were found dead at Coastal Penitentiary Center in Guayaquil. A police report suggested that the prisoners died suspiciously, but a judge dismissed the case for lack of merit.

In May 2007 marines responding to a domestic violence call arrested Juan Lorenzo Delgado Zambrano and transferred him to the local precinct of the National Police. The following afternoon, at the suggestion of authorities, family members went to a hospital in Portoviejo where they were informed that Delgado had fallen while fighting with another detainee. Delgado died later that day. An investigation of two police officers who were responsible for Delgado continued at year's end.

Conditions were notably better in the Quito women's prison than in men's facilities. Vice President Moreno reported that as of December there were no adolescents and children over three years old living with their incarcerated mothers; for children younger than three who cannot be separated from their mothers appropriate day care facilities within detention centers were provided. Pretrial detainees were held with convicted prisoners. According to CEDHU, male guards were responsible for guarding female inmates, and female inmates reported being beaten by male guards who accused them of trying to escape.

Although in most instances the Government permitted prison visits by independent human rights observers, authorities occasionally did not permit human rights observers to visit prisoners who had been placed in isolation cells after they allegedly had been beaten.

d. Arbitrary Arrest or Detention.—While both the previous and the new constitution prohibit arbitrary arrest and detention, in 2006 the UN Working Group on Arbitrary Detention noted that provisions in the Criminal Procedure Code, the Penal Code, and some regulations adopted by central or provincial authorities “undermine the guarantees and protection offered.” The working group cited two laws of particular concern: one imposes an obligation on judges to order detention for persons awaiting trial, i.e., “preventive detention,” which in practice created a situation in which thousands of persons were detained for longer periods than the constitution allowed, often years longer, thus violating their right to be tried within a reasonable time. The second measure abolishes sentence reductions, which led to a large number of persons serving lengthy sentences for minor offenses. In 2006 the Constitutional Court ruled the preventive detention provision unconstitutional, holding that no person can remain in prison unsentenced for more than one year for penal crimes and six months for lesser crimes. The clock for inmates already incarcerated and all future incarcerated individuals started in October 2007. However, in October 2007 Congress passed an interpretative law determining that detainees who purposely delayed the judicial process were not subject to the ruling of the Constitutional Court.

The law stipulates that pregnant women cannot be jailed in prison facilities, yet many were jailed rather than being confined to their homes.

Role of the Police and Security Apparatus.—The National Police are under the authority of the Ministry of Government. National Police effectiveness was impaired by corruption, poor hiring procedures, and insufficient training, supervision, and resources. President Correa's declaration of a state of emergency in several areas in October 2007 continued to result in a higher level of resources for the National Police, totaling over \$300 million.

Some municipalities, such as Quito and Guayaquil, have their own metropolitan police forces in addition to the National Police. A police internal affairs office investigates complaints against police officers and can refer cases to the police courts. Nongovernmental organizations (NGOs) claimed that members of the Quito and Guayaquil metropolitan police occasionally used excessive force. Police corruption was sometimes a problem.

The National Police contracted with NGOs to provide human rights training.

Arrest and Detention.—The law requires authorities to issue specific written arrest orders within 24 hours of detention, and authorities must charge a suspect with a specific criminal offense within 24 hours of arrest. Within 24 hours of arrest, detained persons could challenge the legality of their detention through a habeas corpus petition to the senior elected official in the locality where detention took place, usually the mayor; however, in practice few such petitions were presented. Under the new constitution, which went into effect in October, an individual must present a habeas corpus petition to a court rather than the senior elected official.

Prior to adoption of the 2008 constitution, mayors could release a person illegally detained, based solely on procedural issues under the habeas corpus mechanism. The new constitution provides that a prisoner may be released only by court order.

There was no known investigation into the July 2007 arrest of Manuel Xavier Cornejo Delgado who claimed that, after he had filed a lawsuit against two police officers, police detained him incommunicado for two weeks and searched his home without a warrant or probable cause.

Bail is allowed only in the case of less serious crimes, those punishable with "correctional imprisonment," and is prohibited for more serious crimes involving narcotics and other major offenses requiring long-term incarceration (offenses that "affect or put at risk" the public, punishable by three to 35 years' imprisonment).

Although the law entitles detainees to prompt access to lawyers and family members, there were delays depending on the circumstances and officials' willingness to enforce the law; alleged narcotics traffickers commonly waited 24 to 48 hours for these visits. Detainees with sufficient resources have bribed prison officials to facilitate access. CEDHU reported that an unknown number of prisoners were held in facilities that did not accommodate visits by family or counsel.

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional violations. Authorities charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges.

Investigative detention up to and including trial is legal if a judge determines that it is necessary, and if evidence that a crime has been committed is presented. The law limits immediate detention to 24 hours for in flagrante crimes or to allow for investigative detention to begin. In most jurisdictions, the immediate detention is often considerably longer. If the investigation report is detrimental, the judge may order preventive detention, which is limited to six months for minor offenses and 12 months for major offenses.

The law permits prisoners to be held for an indefinite period after indictments have been issued but before they have been convicted or sentenced. The majority of the accused remained in prison during the investigation phase. According to government data, as of June approximately 61 percent of detainees had not been sentenced.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, in practice the judiciary was at times susceptible to outside pressure and corruption. The media reported extensively on the susceptibility of the judiciary to bribes for favorable decisions and resolution of legal cases and on judges parceling out cases to outside lawyers who wrote judicial sentences on cases before the court and sent them back to the presiding judge for signature. CEDHU further asserted that judges occasionally reached decisions based on media influence or political and economic pressures.

The judiciary consisted of the Supreme Court, superior circuit courts, other courts, tribunals that hear cases in accordance with the constitution and other laws, and the Judicial Council, which is charged with administering the court system and dis-

ciplining judges. There also were military and police tribunals that had the same status as circuit courts, as well as criminal, provincial, and cantonal (county) courts. The Supreme Court supervised the open and competitive selection of all appellate judges. The 2008 constitution changes the judicial structure and procedures. Among other changes the Supreme Court was renamed the National Court of Justice, citizens are allowed to file cases directly with the Constitutional Court, and most military and police cases must be decided in civilian courts.

In February 2007 the Inter-American Commission on Human Rights ruled that the 2005 appeal by 27 justices of the Supreme Court, who had been replaced by Congress in 2004, was admissible. The case remained pending at year's end.

Trial Procedures.—Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. Judges reportedly rendered decisions more quickly or more slowly as a result of political pressure or, in some cases, the payment of bribes. The failures of the justice system contributed to cases in which communities took the law into their own hands, such as mob violence against suspected criminals.

There are no juries in the justice system. Defendants are presumed innocent until proven guilty and have the right to a public trial, defense attorneys, and appeal. They may present evidence, refuse to testify against themselves, and confront and cross-examine witnesses. The law extends these rights to all citizens. Although a public defender system exists, in practice only 180 attorneys were available to defend the large number of impoverished defendants throughout the country.

Civil society groups, lawyers' associations, universities, and foreign donors sought to support vulnerable groups that did not have access to legal defense.

The regular court system tries most nonmilitary defendants, although some indigenous groups try members independently for violations of tribal rules. The law permits police or military courts to try police officers and military defendants in closed sessions in accordance with the respective military and police court martial manuals. Only the Supreme Court may try cases involving flag-rank officers. Despite a constitutional provision that civilian courts have jurisdiction over police or military officers charged with criminal offenses, these officers were often tried in police or military courts. However, the 2008 constitution mandates the elimination of military courts by declaring jurisdictional unity and orders military courts to hand over their cases to the National Court of Justice. An interim National Court of Justice established on December 17 had not tried members of the military or police at year's end.

Although the law and the previous and new constitutions recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs, they do not specify how this right would be implemented. This parallel system raised questions of both jurisdiction and conformity to the right to a fair trial.

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

Civil Judicial Procedures and Remedies.—Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of, human rights violations. However, civilian lawsuits seeking damages for alleged wrongs by the state were rarely filed since such suits were time-consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

g. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Although wiretapping by the National Police to investigate crimes is legal with a court order, there is no specific procedural guidance for obtaining such approval.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The previous and new constitutions provide for freedom of speech and of the press, and the Government, while critical of the media, generally respected these rights in practice. An independent press and a largely democratic political system combined to promote freedom of speech and of the press. The independent media were active and expressed a wide variety of views, although the Government did scrutinize those views and intervened in two television stations.

In January, the Government's television and radio regulatory agency, the Consejo Nacional de Radiodifusion y Television (CONARTEL), issued an order in January to two radio stations to "correct" reports critical of President Correa. In August the Deposits Guarantee Agency took administrative control of two national television stations, Gamavision and TC Television, to prepare them for sale to recoup debts

caused by the 1998 Filanbanco bank failure of their alleged majority stock owners, William and Roberto Isaias. Three programs on those television channels were taken off the air after their seizure.

President Correa often used his weekly radio address and other public comments to criticize the media and accuse it of bias, frequently naming specific reporters and outlets. On January 10, *El Comercio* newspaper on January 10 quoted President Correa as stating, "The press in Ecuador is a political actor, and there are media outlets that are openly against the Government." The Ecuadorian delegation to the 64th General Assembly of the Inter-American Press Association asserted that the aggressive attitude of President Correa's government toward the press was a strategy to convert media outlets into a political opposition.

On June 17, the courts dismissed a May 2007 lawsuit President Correa filed against the president of *La Hora* newspaper's board of directors; the president had invoked the country's "insult laws" over an editorial in *La Hora*.

On September 25, Freddy Aponte Aponte, a reporter for a local radio station in the city of Loja, was sentenced to six months imprisonment for defamation. Former Loja mayor Jose Bolivar Castillo Vivanco pressed charges against Aponte because Aponte reportedly called him a thief during a June 2007 radio program. After a series of appeals, the Supreme Court upheld the sentence. Aponte, jailed on October 29, denied the charges and claimed that the trial was plagued with irregularities. On November 25, the former mayor filed a second lawsuit against Aponte seeking one million dollars in damages.

On December 17–19, the Government transmitted short spots during the broadcast of the Direct Contact program on the Ecuavisa network in which it criticized the program's host, Carlos Vera. Media analysts stated that this maneuver was illegal because the Radio and Television Broadcasting Law only gives the Government the right to broadcast spots on two or more channels at a time, not on a single channel, and that the information should be about government activities.

On a number of occasions during the year, the police questioned individuals for having allegedly insulted President Correa at rallies or public gatherings.

In late 2007 the Controller General issued a report citing irregularities in 370 concessions of television and radio stations between 2003 and 2005, and in February CONARTEL decided to take back 42 of those concessions. On November 20, in compliance with the 2008 constitution, President Correa created the Commission for Auditing Radio and Television Concessions. The seven-member commission's responsibility was to determine whether frequency concessions since 1985 comply with constitutional provisions. The 2008 constitution prohibits oligopolies or monopolies in the ownership of means of communications and in the use of frequencies. It also precludes financial groups, their legal representatives, stockholders, and board members from participating in the control of the "social means of communication" in terms of capital, investment, and patrimony.

In June 2007 a former government advisor, Quinto Pazmino, filed a \$10 million lawsuit against President Correa for libel. Authorities subsequently detained Pazmino for insulting the president. In September 2007 the Supreme Court ruled that Pazmino, as a Constituent Assembly candidate, enjoyed special privileges, and he was freed after the payment of a fine. A criminal proceeding against the president requires Congressional authorization, which Congress did not provide before November 2007, when the Constituent Assembly declared the Congress in recess. In June the Supreme Court determined that the statute of limitations had expired in the lawsuit against President Correa. An investigation by the Prosecutor General's Office of the lawsuit filed by President Correa against Pazmino continued at year's end.

Business- and private-interest pressures, both from media owners and businesses outside the media groups, sometimes influenced the content of news reporting.

The 2008 constitution contains a number of provisions relating to "social communication," the rights of citizens to receive information from the media, the Government's control over the electromagnetic spectrum (i.e., television and radio frequencies), and how media ownership will be treated.

The constitution declares the frequency spectrum a nonrenewable resource owned by the state and mandates that the state receive no less benefit than the company involved in the exploitation of that resource. The constitution also states that the social communication system will assure the exercise of the rights of communication, information, and freedom of expression.

The Correa administration enforced a provision in the Radio and Television Broadcasting Law that requires all stations to broadcast at no charge government programs on education and health issues for up to an hour per day (Mondays through Saturdays). It also mandates the broadcast of messages and reports by the president and his cabinet free of charge.

The 2008 constitution maintained the previous constitutional provision stating the right of all persons to receive information that is true, verified, timely, contextualized, plural, and without prior censorship. It also included a provision stating that the law will regulate the informational, educational, and cultural content of the programming of communication outlets.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available in larger cities, but access in remote locations was poor. The International Telecommunication Union reported that there were 13 users per 100 inhabitants in 2007.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. Security forces used force and tear gas to quell some violent demonstrations, resulting in several injuries. Public rallies require prior government permits, which generally were granted, although exceptions occurred.

On May 30, several employees of the Superintendency of Companies protested in Quito to demand the resignation of Superintendent Francisco Arellano because of alleged corruption and mistreatment. The police removed the protesters by using tear gas, and two persons were treated subsequently by firefighters.

On August 16, there were altercations between the police and university students during and after President Correa's radio address broadcast from the Catholic University of Guayaquil. The students stated that the police employed excessive force by using tear gas and physical violence and that they had been persecuted because they supported the "no" vote in the referendum. University authorities presented a lawsuit before the Guayas authorities in defense of the students, stating that at least five of them were injured during the incidents and arguing that the university's autonomy had been violated. On September 27, the police imposed nine days of detention on two policemen who were involved in the altercations. Investigations continued at year's end.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government requires religious groups to be licensed or registered if they engage in proselytizing activity.

Societal Abuses and Discrimination.—Muslim leaders reported that members of their community occasionally experienced random discrimination when applying for work or housing. There were no reports of anti-Semitic acts or other societal abuses or discrimination based on religious affiliation, belief, or practice.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Protesters blocked roads, but less frequently than in previous years.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, such as the International Organization for Migration (IOM), in assisting refugees and asylum seekers.

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

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice, the Government provided protection against the expulsion and return of refugees to countries where their lives or freedom were threatened. The Government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention or the 1967 protocol. This included providing services to the continuing flows of Colombians crossing the northern border throughout the year.

The Government reported that through the first nine months of the year, it received 7,767 applications for refugee status. Several thousand additional cases from this and preceding years remained pending. Rejected applicants have a legal right to appeal; after appeals are exhausted, they have 30 days to leave the country. While the UNHCR and the Government reported difficulty dealing with the number of applicants and appeals, both the UNHCR and the IOM supported the Government refugee office's efforts to streamline its decision-making and appeals processes and reduce its case backlog.

There were nearly 20,000 recognized refugees in the country. The UNHCR estimated that approximately 133,000 persons were in need of international protection, of whom approximately 72,000 were registered as asylum seekers with the Government and 61,000 were not registered.

Colombians accounted for 92 percent of asylum seekers, and the rest originated from a wide variety of countries, including Cuba, Peru, Haiti, Iraq, Somalia, and Sri Lanka. The law provides persons granted refugee status the right to work; however, this right is not extended to asylum seekers. The law guarantees recognized refugees and asylum seekers the same access to public health services as Ecuadorians, including psychosocial support, emergency dental services, and free basic maternity assistance. Ministerial Agreement No. 337, issued on September 26, removed the requirement for documentary proof of immigration status by foreign students who apply to public educational establishments. Under the new order, the presentation of any identity document is sufficient to ensure access to public educational institutions.

In December the Government started an enhanced registration program that improves the refugee registration process so that those in need of international protection can be interviewed, assessed, and issued documentation on the same day. Previously, the refugee registration process could take one to two years to complete. The nationwide program was expected to target up to 50,000 Colombian refugees for registration and documentation over a 12-month period.

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

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

Elections and Political Participation.—Rafael Correa was elected in 2006 and inaugurated in January 2007. Independent observers, including the Organization of American States (OAS) electoral mission, described the elections as generally free and fair.

As of year's end there were 10 women in the 27-member cabinet and two female secretaries of state with the rank of minister. There was one Asian-Ecuadorian but no Afro-Ecuadorians or indigenous persons in the cabinet.

A referendum on a new constitution took place on September 28; 63.9 percent of the voters favored adopting the constitution, written by the Constituent Assembly elected in September 2007. OAS, European Union, and Carter Center observers concluded that the elections were free and fair, with minor irregularities.

The 2008 constitution grants suffrage to members of the armed forces and the police, and lowers the minimum voting age from 18 to 16. It creates the Transparency and Social Control Branch of the state to promote citizen participation and prevent corruption. The constitution provides for state-promoted, gender-balanced representation in the public sector, including in decision-making positions, and mandates government adoption of affirmative action policies to promote the participation of affected groups.

Along with the 2008 constitution, voters approved a "transition regime," which regulates the transition to the new institutional order. The transition regime mandates elections scheduled for April and June, 2009 for elected offices at all levels of government. On October 25, in accordance with the transition regime, the Constituent Assembly appointed from among its members an interim Legislative and Oversight Commission, composed of 76 members. On October 21, the Constitutional Tribunal proclaimed itself the Constitutional Court, with the powers granted by the 2008 constitution. An interim National Court of Justice, which replaced the Supreme Court, was established on December 17.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem.

On July 8, Prosecutor Alfredo Alvear requested a criminal investigation of Ombudsman Claudio Mueckay for employing public funds, which were destined to assist the families of deceased citizens abroad, to appoint officers abroad. On July 23, at the request of the Supreme Court, the Constituent Assembly lifted Mueckay's privileges and permanently removed him from his office the following day. The prosecutor's investigation continued at year's end.

On August 27, Comptroller General Carlos Polit submitted to the Prosecutor General's Office a report on Constituent Assembly advisors' and administrative personnel's contracts. The report showed irregularities involving several assembly members' staffs, suggesting time and attendance fraud.

On December 3, Minister of Sports Raul Carrion, resigned after three of his advisors were placed under preventive detention during an investigation of their alleged illicit enrichment and asset laundering, among other charges. A court order prohibited former minister Carrion from leaving the country. These investigations continued at year's end.

The Constituent Assembly required all its members to present their 2006 tax returns, authorize access to their local and overseas bank accounts, and file an assets affidavit by January 11. Assembly member Alvaro Noboa failed to submit his tax return and lost his seat in the Assembly.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials cooperated with the groups but often did not act on their views.

An Ombudsman's Office focused on human rights problems; however, some observers criticized its lack of independence in practice. The office had adequate resources but was not considered effective on human rights issues.

The Constituent Assembly's Fundamental Rights and Constitutional Guarantees Commission held hearings on human rights before writing the constitution. The Constituent Assembly granted 13 amnesties and five pardons to individuals and groups allegedly involved in a variety of crimes.

The Commission for Truth, created in 2007 to investigate alleged human rights violations (particularly during the 1984–88 period), investigated 307 cases of human rights violations, and continued its work at year's end.

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

The previous and new constitutions prohibit discrimination based on race, gender, disability, language, or social status; however, women, persons with disabilities, indigenous persons, Afro-Ecuadorians, homosexuals, and transgendered persons continued to face discrimination.

Women.—Although the law prohibits violence against women, including within marriage, abuses were widespread.

The law criminalizes rape, including spousal rape, and provides a penalty of up to 25 years in prison. In cases of statutory rape involving "amorous" sex with a minor, the rapist may marry the victim, cancelling the charges unless the marriage subsequently is annulled. The penalty for rape where death occurred is 35 years' imprisonment. As of August there were 3,159 reported rapes, 527 cases where charges were filed, and 156 cases prosecuted successfully. Many rapes were not reported due to the victim's reluctance to confront the perpetrator.

The law provides penalties for domestic violence of up to a fine of \$28 or seven days in prison and gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse. The courts also may issue restraining orders prohibiting the abusive spouse from approaching the victim or her place of employment or study; prohibiting the abusive spouse from persecuting or intimidating the victim or any member of her family; reinserting the victim into the family home, if shared, while simultaneously removing the abusive spouse from the premises; and ordering any treatment deemed beneficial to the affected family.

The Ministry of Government's Office of Gender, based on partial reports it had received, reported 39,979 cases of sexual, psychological, or physical mistreatment of women and 6,065 cases involving male victims. Thirty-one special Police Stations for Women and Families handled such issues as domestic violence. The Government's National Commission on Women (CONAMU) may accept complaints about abuse of women but must refer cases to the Prosecutor's Office for action. CONAMU had projects in all provinces, focusing primarily on equal opportunities, public policy programs toward women, and lines of credit for women's businesses. In some police sta-

tions, social workers employed by city governments or NGOs assisted victims. A variety of NGOs offered legal and psychological assistance to victims of domestic violence.

Prostitution is legal for persons over the age of 18 so long as the businesses are registered with the Government and follow health regulations. Trafficking in persons for prostitution was a problem.

Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. CONAMU is charged with designing public policies to promote women's human rights and equality in cases of sexual harassment.

Despite legal protection of women's rights in politics, the home, and employment, societal discrimination against women was pervasive, particularly with respect to educational and economic opportunities for older women and for those in the lower economic strata. Although women enjoy the same legal status as men, women often did not receive equal rights in practice. According to the Government, women received approximately 65 percent of the pay received by men for equal work. Women's advocates alleged that culture and tradition inhibited achievement of full equality for women. There were fewer women than men employed in professional work and skilled trades.

The Ecuadorian Women's Permanent National Forum included more than 320 women's organizations and promoted social, economic, and cultural change, including increased political participation by women. CONAMU provided support for approximately 500 women's organizations, many of which promoted social consciousness and greater participation by women in the political process. The NGO Women's Political Coordinator, which operated in 22 provinces, also promoted women's rights, with emphasis on political participation and human rights.

The 2008 constitution affords women an array of benefits in the economic, political, and social areas. For example, it provides for gender balance in decision-making government institutions and in the lists of political parties' candidates for the National Assembly and other representative institutions. While women's organizations applauded these provisions, they noted that there were many legal and financial requirements necessary in order to implement the reforms.

Children.—The Government was committed to children's rights and welfare and increased funding for child health and education; however, those steps were not fully effective.

The 2008 constitution raised the minimum 10-year requirement of schooling to 15 years; however, due to shortages of schools, inadequate school funding, and the comparatively high cost of books and uniforms, the Government rarely enforced either the old or new minimum requirement.

There was no societal pattern of abuse against children.

Commercial sexual exploitation of minors remained a problem.

More than 20 NGOs promoted child welfare. The UN Children's Fund and several private organizations were active in programs to assist street children.

Trafficking in Persons.—While criminal laws prohibit trafficking in persons, there were reports that women and children were trafficked within, to, from, and through the country.

According to the 2007 survey of the National Council for Children and Adolescents, the Child Welfare Police reported 81 cases of trafficking in persons for various purposes, such as begging and sexual exploitation.

Traffickers were organized criminal gangs specializing in movement of persons, proprietors of small businesses such as bars or brothels, or illicit employment brokers. Accounts indicated that traffickers' recruitment modalities varied depending on the type of exploitation. In the case of sexual exploitation, victims were lured romantically or with promises of legitimate employment and then forced into prostitution. Recruiters for forced labor and begging included business owners in and outside the country. These traffickers offered parents education and work opportunities for their young children and then forced victims into trafficking situations, including prostitution domestically and in Colombia, Venezuela, and the Dominican Republic.

Foreign victims were transported across the border in public buses and in vehicles owned by traffickers. Victims from Colombia reportedly crossed the border in trucks. Falsified civil registry documents facilitated trafficking by disguising the nationalities of trafficking victims and the ages of juveniles.

The law criminalizes trafficking in persons and provides for prison terms of six to 35 years. The law also provides for penalties of six to 12 years in prison for promoting sexual tourism and child sex tourism. Numerous provinces, such as Pichincha, El Oro, Sucumbios, and Azuay, created networks joining local and national government institutions, NGOs, and civil society groups to combat trafficking

in persons. These networks developed antitrafficking action plans and prevention campaigns, and in some cases worked together on adoption of ordinances.

The Public Ministry reported 98 cases of trafficking for sexual exploitation from January to July and nine convictions, seven for sexual exploitation, one for child pornography, and one for forced begging.

The 2008 constitution requires the state to adopt measures to prevent and eradicate trafficking in persons and to assist victims, provide them with social reintegration, and protect them against revictimization (particularly during the judicial process) and from any type of threat or other forms of intimidation.

Under this new legal framework, trafficking victims of sexual exploitation may sue their spouse, partner, or relatives. The Government must also undertake all necessary measures to protect foreign victims' rights even though they may have an irregular immigration status.

A 2007 presidential decree affords protection to victims, witnesses, and others involved in the judicial process to encourage victims to assist in the investigation and prosecution of trafficking cases. The program provides immediate protection, psychological and medical attention, economic assistance, and employment assistance. Since the economic resources of this program were limited, the Government made agreements with several foundations and organizations that help provide the required services.

During the year the national government, in conjunction with NGOs and local governments, provided shelter to 76 trafficking victims while assisting them to reintegrate in their communities. On November 18, the Ministry for Social and Economic Inclusion opened the first government-run shelter for trafficking victims in El Oro Province.

From January to October, the Ministries of Government and Foreign Affairs and the National Child and Family Welfare Institute coordinated the repatriation of 21 victims of labor exploitation: 19 in the Dominican Republic, one in Colombia, and one in Chile. The ministries and the institute also assisted the return of two Colombian trafficking victims to their communities of origin.

The Ministry of Justice and Human Rights trained 4,000 police officers on trafficking in persons during the year.

The Ministry for Social and Economic Inclusion expanded its National Program for Special Protection that includes trafficking prevention activity in the provinces of Chimborazo, Tungurahua, Canar, and Guayas. The National Council of Children and Adolescents launched trafficking prevention campaigns in multiple provinces, specifically trafficking with the purpose of begging, with a strong focus on the central highlands.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings for persons with disabilities, the Government did not enforce it.

For the September referendum, the Supreme Electoral Tribunal (TSE) did not print ballots in braille but allowed blind individuals to have assistance from a relative while voting. The TSE provided sign language translators and made efforts to ensure that voting precincts were fully accessible to persons with disabilities.

The law requires the hiring of persons with disabilities in all public and private enterprises with more than 25 employees; however, there was no information on its implementation. An initiative, "Ecuador without Barriers," led by Vice President Lenin Moreno, helped create approximately 2,800 jobs for persons with disabilities by December 17.

The 2008 constitution extends benefits to persons with disabilities, particularly in the areas of education, employment, and access to social security.

National/Racial/Ethnic Minorities.—The estimated 758,000 Afro-Ecuadorian citizens suffered pervasive discrimination, particularly with regard to educational and economic opportunity.

The Afro-Ecuadorian Cultural Center estimated that 70 percent of Afro-Ecuadorians lived in poverty. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination, including stereotyping, continued to affect them. For example, they continued to assert that the police stopped Afro-Ecuadorians for document checks more frequently than they stopped other citizens and that employers often would not interview persons whose job applications

carried Afro-Ecuadorian photos. There were no special government efforts to address these problems.

The 2008 constitution declares the state to be plurinational, affirms the principle of nondiscrimination by recognizing the right of indigenous, Afro-Ecuadorian, and Montubio communities to restitution for acts of discrimination, and mandates affirmative action policies to ensure the representation of minorities.

Indigenous People.—Estimates of those who maintained their indigenous cultural identity and lived in indigenous communities varied between 7 and 20 percent of the population. The vast majority of indigenous citizens resided in rural areas, including the highlands and the Amazonian provinces. Despite their political influence and the advocacy efforts of grassroots community groups, indigenous people continued to suffer discrimination at many levels of society and, with few exceptions, were at the bottom of the socioeconomic scale.

Arable land was scarce in the more heavily populated highland areas, where high infant mortality, malnutrition, and epidemic disease were common among the indigenous population. Electricity and potable water often were unavailable. Although the rural education system was seriously deficient, many indigenous groups participated with the Ministry of Education in the development of the bilingual education program used in rural public schools.

The 2008 constitution strengthens rights of indigenous peoples; it declares the state plurinational, recognizing Kichwa and Shuar as “official languages of intercultural relations,” and specifically recognizes indigenous justice. Existing law also recognizes the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Indigenous people also have the same civil and political rights as other citizens.

The former and new constitutions grant indigenous peoples the right to participate in decisions about the exploitation of non-renewable resources that are located in their lands and that could affect their culture or environment. They allow indigenous people to participate in the benefits the projects may bring and to receive compensation for the damage that could result. The 2008 constitution mandates, in the case of environmental damage, immediate corrective government action and full restitution from the responsible company. However, some indigenous organizations asserted a lack of consultation and remedial action.

Indigenous groups lobbied the Government, enlisted the help of foreign and domestic NGOs, and mounted protests in attempts to win a greater share of oil revenues and a greater voice in natural resource and development decisions. Colonists, drug traffickers, and loggers illegally encroached into indigenous territory. Corrupt local officials, a lack of political will, and divisions among and within indigenous communities undermined indigenous efforts to stop the flow of illegally harvested timber. Widespread environmental damage, in part due to deforestation and petroleum production, constituted another serious problem.

The ombudsman's office had representatives in indigenous communities throughout the country. These had responsibility for promoting human and indigenous rights among indigenous communities and providing specific advisory services to these groups.

Other Societal Abuses and Discrimination.—Although the law prohibits discrimination based on sexual orientation, homosexuals, transsexuals, and transvestites continued to suffer discrimination from both public and private bodies.

The 2008 constitution includes the principle of nondiscrimination, and establishes choice of sexual orientation as a right.

According to the NGO Kimirina, police subjected homosexuals, transsexuals, and transvestites to cruel, inhuman, and degrading treatment. The NGO accused the police of specifically targeting them and inflicting physical and psychological abuse, threats, extortion, and robbery. Police routinely arrested homosexuals and transvestites in public areas.

On April 29, a policeman pushed and punched a member of a sexual minority group. Two other policemen then forced the individual into a police car and accused him of being a criminal, while insulting him. They drove with him in the car and then pulled one of his friends into the car. The officers later released them.

The 2008 constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against persons with HIV/AIDS; however, persons with HIV/AIDS often preferred to conceal their health condition in order to avoid social discrimination.

Section 6. Worker Rights

a. The Right of Association.—While the law provides most workers with the rights to form and join trade unions of their choice, legal protections of these rights were inadequate, sometimes failing to deter employers from retaliating against workers for organizing. Members of the police, the military, and most public sector employees (those who fall under the civil service law) were not free to form trade unions. Approximately 1 percent of the workforce was organized.

While employees of state-owned organizations enjoyed rights similar to those in the private sector, the law prohibits the majority of public sector employees from joining unions or exercising collective bargaining rights. Most public employees maintained membership in a labor sector association; such associations are not allowed to strike or bargain collectively.

The 2008 constitution, whose worker rights provisions require the adoption of implementing laws, terms workers' rights "irrevocable"; provides for the right to unionize and to strike (except in instances which might cause "paralysis" in public services such as health, education, public safety, and utilities); and commits state support for democratic unions.

The labor code and the 2008 constitution require workers in state enterprises to be represented by a single labor union. The law does not require reinstatement of workers fired for union activity but does require compensation and fines. The 2008 constitution prohibits the use of outsourcing and of discriminatory criteria in hiring.

There are few restrictions on the right of private-sector workers to strike, although a 10-day period is required before a strike can be declared. The law allows solidarity strikes or boycotts of three days if the Ministry of Labor approves them. In some industries, during a legal strike, workers may take possession of the factory or workplace (thus ending production at the site) and receive police protection during the takeover. However, in other industries, such as agriculture, the law requires a 20-day waiting period from the day the strike is called. During this time, workers and employers must agree on how many workers are needed to ensure a minimum level of service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The law provides that "the employer may contract substitute personnel" only when striking workers refuse to send the number of workers required to provide the minimum necessary services, although in practice this law was not enforced. The law protects strikers and their leaders from retaliation.

The law does not provide the majority of public workers with the right to strike. It includes a provision that striking public-sector workers are liable to between two and five years in prison. A temporary law passed by the Constituent Assembly on April 30 provided a 180-day deadline for the revision of all public sector collective bargaining agreements to exclude excessive benefits for workers.

b. The Right to Organize and Bargain Collectively.—The law requires all private employers with 30 or more workers belonging to a union to negotiate collectively when the union so requests. Collective bargaining agreements covered 25 percent of the organized workforce. Most of the economically active population was employed in the agricultural sector or the urban informal sector; the vast majority of these workers were not organized. The law allows businesses to hire workers on individual contracts.

There is special legislation regulating labor in export processing zones. Most workers in export processing zones are hired on temporary contracts, and as such do not appear to be protected by key elements of the labor code.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for labor (See Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits exploitation of children in the workplace and forced or compulsory labor; however, the Government did not effectively enforce the law, and child labor remained a problem.

The labor code, the child and adolescent code, and the 2008 constitution set the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law lists 15 jobs that are not suitable for children and prohibits minors from working in hazardous conditions, including in mines or in jobs requiring exposure to toxic or dangerous substances. The law requires employers to pay minors at least 80 percent of the wages received by adults for the same type of employment. Penalties for violations of the child labor laws include fines of \$50 to \$300 for parents or guardians, fines of \$200 to \$1,000 for employers hiring adolescents between ages 15 and 17,

and a fine of \$1,000 for any employer found to have hired children under the age of 15. In cases of repeated infractions, the employer's business can be closed.

The Ministries of Labor and of Economic and Social Inclusion and the Minors' Tribunal were charged with enforcing child labor laws, but enforcement, while improving, was not fully effective. The 2006 National Institute of Statistics and Census's Child Labor National Survey found that 367,000 children between ages five and 14 were engaged in labor not permitted by law, primarily working in rural areas in the informal sector, compared with 550,000 in 2001.

The Government's 28 child labor inspectors inspected workplace locations that specifically employed child labor; these inspectors had the authority to cite violations and sanction companies and employers found to have illegally hired child labor. From January to September, the inspectors conducted approximately 2,397 workplace inspections and found approximately 1,305 minors working in violation of labor laws.

The Ministry of Labor's five-officer Division for Child Labor meets monthly with other divisions in the ministry and the National Committee for the Progressive Eradication of Child Labor, which includes government agencies, businesses, and labor organizations.

While the Ministry of Labor's Social Service Directorate monitored child labor in businesses such as factories, enforcement in most sectors of the economy remained limited. In urban areas many children under age 15 worked in family-owned businesses in the informal sector, shining shoes, collecting and recycling garbage, or as street peddlers. Other children were employed in commerce, messenger services, domestic services, and begging. Children as young as five or six often sold newspapers or candy on the street to support themselves or to augment family income.

The Government supported the Program for the Schooling and Protection of Child Workers, which implemented a workshop program in 40 cities to work with families and schools on the problem of child labor.

e. Acceptable Conditions of Work.—The 2008 constitution mandates an annual revision of the minimum wage to match progressively the cost of a family's basic needs. The minimum wage plus mandated bonuses provided a gross monthly compensation of \$233. The statutory minimum wage did not provide a decent standard of living for a worker and family. Most organized workers in state industries and formal-sector private enterprises earned substantially more than the minimum wage and also received other significant benefits through collective bargaining agreements. However, most workers worked in the large informal and rural sectors without obtaining the minimum wage or legally mandated benefits.

The law provides for a 40-hour workweek and two consecutive days of rest per week. If required to work beyond the standard workweek, workers must be paid overtime. A higher overtime rate is set for working at night. The maximum number of hours of overtime was 12 hours per week, which generally was respected, except in subcontracting companies, where workers sometimes were required to work up to 28 hours of overtime per week, and in the case of some domestic employees. The Ministry of Labor did not deploy sufficient resources to enforce labor laws.

The Social Security Institute is responsible for enforcing health and safety standards and regulations. In the formal sector, occupational health and safety was not a significant problem. However, there were no specific regulations governing health and safety standards in the agricultural sector, and in practice there was no enforcement of safety rules in the small mines that made up the vast majority of enterprises in the mining sector.

The 2008 constitution provides that workers have the right to a healthy and safe work environment. A worker may request that an inspector from the Ministry of Labor confirm a workplace hazard; that inspector then may close down the workplace. Response time for inspectors ranged from three days in major cities to much longer in the countryside.

The 2008 constitution protects self-employed workers who work in public areas and prohibits the confiscation of their products or work tools, a provision intended to benefit informal sector workers, such as street vendors.

EL SALVADOR

El Salvador is a constitutional, multiparty democracy with a population of approximately 5.8 million. In 2004 voters elected Elias Antonio Saca of the Nationalist Republican Alliance (ARENA) as president for a five-year term in generally free and

fair elections. Civilian authorities generally maintained effective control over the security forces.

Although the Government generally respected the rights of its citizens, protection of human rights was undermined by widespread violent crime, including gang-related violence, high levels of impunity from prosecution, and judicial corruption. Other significant human rights problems included harsh, violent, and overcrowded prison conditions; lengthy pretrial detention; violence and discrimination against women; abuses against children, child labor, and forced child prostitution; trafficking in persons; and inadequate enforcement of labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, there were reports that security forces were involved in unlawful killings.

During the year the Office of the Ombudsman for Human Rights (PDDH) stated that the National Civilian Police (PNC) was responsible for 559 cases of abuse of human integrity, which included unlawful killings, attempted unlawful killings, assaults, and other offenses causing bodily harm. During the year the PDDH received 11 complaints of alleged unlawful killings. As of August the Office of the PNC Inspector General reported that security forces killed 10 persons, compared with 24 in 2007.

On July 2, six individuals dressed as police officers in San Bartolo, Ilopango, fatally shot Walter Alexander Ayala Rivas and Jolman Ernesto Ayala Rivas. Authorities apprehended six suspects and determined that the killings were gang-related. The Office of the Attorney General reported that the accused were sentenced each to 35 years' imprisonment.

On July 24, an unknown individual fatally shot Rafaela Hernandez Delgado, the wife of a Frente Farabundo Marti para la Liberacion Nacional (FMLN) San Salvador municipal council member, while she was riding a public bus. At year's end the case remained under investigation.

On January 14, Nelson Antonio Arriaza Delgado, a PNC sergeant and former chief of its regional criminal investigation unit, and Carlos Geovanny Chevez Hidalgo each were sentenced to 35 years' imprisonment for the July 2007 murder-for-hire killing of Amado Garcia Amaya, an alleged gang member in Nueva Esparta. On March 20, authorities also sentenced Arriaza Delgado to 40 years' imprisonment for the 2007 killings in Jocoro, Morazan, of Pedro Antonio Sosa Flores, Oscar Rene Bonilla Machado, and Mario Humberto Diaz Bonilla, and the attempted killing of Jose Rigoberto Diaz Benitez. By year's end authorities had dismissed charges against police officer Shefick Cruz Vasquez, who was also charged with the killing of Garcia Amaya. As of December the Office of the Attorney General was appealing the decision to dismiss charges against Cruz Vasquez. There was no information available regarding the status of police officer Edilberto Paiz Morales, who was also charged with the killing of Garcia Amaya.

On July 25, PNC officer Jose Vidal Reyes Escobar was sentenced to 30 years' imprisonment for the August 2007 beating and killing of Jose Napoleon Aviles, while in custody in Mejicanos. At year's end the whereabouts of PNC officer Luis Alfonso Rubi Canales, also allegedly involved in the August 2007 killing, were unknown.

On January 15, a judge ordered a stay of proceedings for PNC officers Edilberto Alexander Cruz Chavez and Angel Antonio Garcia Hernandez, who testified that in 2006, PNC officer Leonidas Beltran Diaz killed Cesar Anaya Vanegas. The whereabouts of PNC officer Elmer Vladimir Lovato Ramos, also implicated in the killing of Anaya Vengas, were unknown, and the case remained pending at year's end.

On July 22, a tribunal cleared Edwin Rene Sanchez Canjura of two counts of murder and 17 counts of attempted murder in relation to the 2006 killings of two police officers. By year's end the Office of the Attorney General had appealed the tribunal's decision to the Supreme Court.

On March 14, the Government filed a petition with the Inter-American Court of Human Rights to reverse the court's November 2007 ruling against the Government for violations of judicial guarantees and rights in the 1994 killing of Mauricio Garcia Prieto. In June the Human Rights Institute of the University of Central America (IDHUCA) submitted a complaint to the Office of the Attorney General, asking the Government to observe the November 2007 ruling. On November 24, the court dismissed the Government's petition and upheld its previous ruling that the Government compensate Prieto family members for legal costs and provide them with medical treatment. The Government was given six months from November 24 to comply with the ruling.

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

The Government Interinstitutional Committee for the Search for Missing Children Resulting from the Armed Conflict in El Salvador reported that it has resolved 56 of 165 cases under investigation. The nongovernmental organization (NGO) Association for the Search for Missing Children (Pro-Busqueda) continued to investigate 818 cases of children who disappeared during the 1980–92 civil war. The Inter-American Commission on Human Rights (IACHR) accepted Pro-Busqueda's complaints against the Government, which alleged the forced disappearances of Santos Ernesto Salinas and Emelinda Lorena Hernandez in 1981 and of Manuel Antonio Bonilla and Ricardo Ayala Abarca in 1982. By year's end Pro-Busqueda had resolved six other cases.

On January 22, a court cleared of all charges and dismissed the case against Juan Antonio Lopez, the western regional chief of the Office of the Public Defender, relating to his alleged participation in the January 2007 kidnapping of a 12-year-old boy. By year's end the Office of the Attorney General had appealed the decision to the Supreme Court.

At year's end the IACHR had not published any findings regarding the Jose Adrian Hernandez Rochac 1980 disappearance case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, during the year the PDDH received 652 complaints, most against PNC officers, alleging the use of excessive force or mistreatment of detainees, compared with 839 such complaints in 2007. The PDDH received 59 complaints against PNC officers for excessive use of force. During the year the PDDH received 19 complaints of alleged torture and eight complaints of alleged extrajudicial killings.

The PDDH and Office of the Inspector General reported that on February 15, students blocked the police from entering the Romero Albergue School in San Jacinto during the arrest of a student's father. The police reportedly then used excessive force against the students. The Office of the Inspector General concluded that officers Jose Matias Salazar and Carlos Alberto Flores Portal used excessive force during the incident and submitted the case to a disciplinary tribunal, which on December 3 dismissed all charges against the officers.

Prison and Detention Center Conditions.—Prison conditions remained harsh and dangerous. Overcrowding constituted a serious threat to prisoners' health and lives, and the prison population continued to increase during the year.

At year's end there were 19,814 prisoners held in 22 correctional facilities and two secure hospital wards, with a combined designed capacity for 8,227; of these inmates, 12,702 had been convicted, 7,112 were in pretrial detention, and 6,801 were current or former gang members. There were 561 inmates in four prisons for juvenile offenders with a capacity of 763 inmates.

On April 14, a judge sentenced police officer Saul Humberto Zacapa Carias to six years' imprisonment for sexually abusing a woman in police custody in June 2007.

There were no developments regarding an investigation by the Office of the Attorney General of the February 2007 death of a 15-year-old inmate and injuries to two others at the Juvenile Offenders Prison in Ilobasco. By December authorities had not identified a suspect in the killing.

Prison authorities reported that 57 prisoners died during the year, 20 by homicide, one by suicide, and 36 from natural causes. Nine inmates were convicted of homicide and a stay of proceedings was declared for the other 10 inmates charged in connection with the January 2007 gang-on-gang confrontation in Apanteos Prison, in which 21 inmates were killed.

Gang activities in prisons and juvenile-holding facilities remained a serious problem. Gang members were routinely separated from the regular prison population when possible. Gangs continued to exercise influence within the prisons and the judicial system. Prisoners reportedly conducted criminal activities from their cells, at times with the complicity of prison guards. Smuggling of weapons, drugs, and contraband such as cellular telephones and cellular telephone chips, was a major problem in the prisons. During the year prison authorities convicted one prison guard, dismissed charges of wrongdoing against three others, and continued criminal investigations against an additional two guards.

Due to a lack of holding cells, pretrial detainees were often held in regular prisons together with violent criminals.

The Government permitted prison monitoring visits by independent human rights observers, NGOs, and the media, and such visits occurred during the year.

d. Arbitrary Arrest or Detention.—Although the constitution prohibits arbitrary arrest and detention, there were complaints that the PNC arbitrarily arrested and de-

tained persons. The PDDH reported receiving 193 complaints of arbitrary arrest or detention during the year; it also received complaints of 121 illegal detentions.

On August 1, the Office of the Inspector General opened an investigation of four PNC officers for allegedly beating Abraham Kattan during a vehicle inspection in Sonsonate. The case remained pending at year's end.

On February 19, the justice of the peace in Suchitoto dismissed public disorder charges against 14 protesters originally accused of terrorism in connection with a July 2007 antigovernment protest.

The PDDH reported that on May 3, unknown assailants used a sharp instrument to kill Hector Ventura, one of the protestors arrested in Suchitoto. Based on a PDDH petition, the Office of the Attorney General granted special protection to two witnesses to the killing: Oscar David Casco Rivera, who was injured in the attack, and Mariana Estefany Casco Rivera. However, the witnesses fled before entering the protection program. At year's end their whereabouts were unknown. Authorities identified Julio Adalberto Bernal, a member of the MS-13 street gang, as one of the alleged killers of Ventura. A police investigation found no relationship between Venutra's killing and the 2007 protests at Suchitoto.

Role of the Police and Security Apparatus.—The PNC is responsible for maintaining public security and the Ministry of Defense maintains national security. The military provided support for some PNC patrols in rural areas and gave support to law enforcement agencies for specific activities, including antinarcotics efforts. The Ministry of Public Security headed the antigang task force. Approximately 2,150 military personnel were deployed to join the police on antigang and other task forces. Military personnel, however, do not have arrest authority.

During the year the PNC Inspector General received 1,717 complaints of alleged police misconduct (involving 2,363 officers), referred 200 cases of these to special investigation units, and sanctioned 1,320 officers in response to complaints filed during the year and prior years. These sanctions included 162 officers dismissed for misconduct and 736 suspended without pay for minor infractions.

The Attorney General's Office prosecuted 10 police officers as a result of investigations begun in 2007 and 2008. Inadequate training, insufficient government funding, lack of a uniform code of evidence, and isolated instances of corruption and outright criminality interfered with the PNC's effectiveness.

On May 19, authorities arrested two police officers and four members of the armed forces for the shooting death of 18-year-old Rene Gil Santos Diaz. On November 12, a magistrate sent two of the accused to trial and ordered stays of proceedings for the others. On December 5, Vidal Antonio Chavez Garay of the armed forces was sentenced to 10 years' imprisonment. Charges were dropped against the other defendant.

The PNC Inspector General reported that most PNC officers and police academy cadets received human rights awareness training during the year, including training by the Salvadoran Institute for the Development of Women (ISDEMU) concerning rape prevention, child abuse, and related offenses. As of August the PNC Human Rights Unit had trained 17,914 police officers regarding the rights of women and 484 officers on torture topics. The PNC Office of the Inspector General trained 352 police officers on the human rights of vulnerable groups. The International Law Enforcement Academy's training of 77 police officers, 30 prosecutors, 63 judges, and 46 technical advisors, including workers in the immigration, customs, and airport authorities, included human rights awareness components.

Arrest and Detention.—The constitution requires a written warrant for arrest, except in cases where an individual is arrested in the commission of a crime. In practice authorities apprehended persons openly and with warrants based on sufficient evidence and issued by a duly authorized official and brought them before appropriate judicial officials. The constitution provides that a detainee has the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. In general detainees were promptly informed of charges against them.

The law permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. Because it may take several years for a case to come to trial, some prisoners were incarcerated longer than the maximum legal sentences for their crimes. In such circumstances, detainees could request a Supreme Court review of their continued detention.

The courts generally enforced a ruling that interrogation without the presence of counsel is considered coercion and that any evidence obtained in such a manner is inadmissible. As a result, PNC authorities generally delayed questioning until a public defender or an attorney arrived. Family members were allowed prompt access

to detainees. Detainees generally had prompt access to counsel of their choosing or to an attorney provided by the state.

The constitution permits the PNC to hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. The law allows up to six months for investigation of serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor may ask an appeals court to extend the deadline for three or six months, depending on the seriousness of the crime. Many cases were not completed within the legally prescribed time frame. At year's end there were 7,112 inmates in pretrial detention or in detention awaiting final judgment.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the judiciary suffered from inefficiency, corruption, and insufficient resources. Substantial corruption in the judicial system contributed to a high level of impunity, undermining the rule of law and the public's respect for the judiciary. Inadequate government funding of the PNC, combined with intimidation and killing of victims and witnesses, made it difficult to identify, arrest, and prosecute perpetrators of human rights abuses and other crimes, thus diminishing public confidence in the justice system.

During the year the Government Program for the Protection of Victims and Witnesses received 2,347 requests for protection. At year's end 3,110 persons were in some type of police witness or victim protection program. However, street gang intimidation and violence against witnesses contributed to a climate of impunity from criminal prosecution.

On March 1, several assailants fatally shot Alicia Belmira Gonzalez, a witness identified as "Afrodita," who was in a government protection program. In 2006 Gonzalez agreed to cooperate with police in investigating a series of killings perpetrated by the M-18 street gang. Following Gonzalez's killing, the criminal court in San Salvador dismissed charges against 11 gang members due to insufficient evidence. At year's end nine of the 11 gang members remained in detention, facing criminal charges in relation to other cases.

During the year the PDDH received complaints that the Attorney General's Office had prevented access to justice in 115 cases, violated due process in five cases, and violated administrative process in 59 cases.

On June 18, the Supreme Court began investigating two judges and one justice of the peace for rendering controversial decisions during the prosecution of the Los Perrones narcotrafficking organization.

During the year the Office of the Attorney General investigated 73 judges and nine magistrates for corruption. The Supreme Court received 169 complaints from private citizens against judges for alleged irregularities and sanctioned three judges for improper conduct.

NGOs, such as the Foundation for Studies in Legal Application, the Salvadoran Foundation for Economic and Social Development (FUSADES), and IDHUCA continued to allege that the Supreme Court did not adequately address judicial delays, inefficiency, and unqualified and corrupt judges. FUSADES reported that the public had no faith in the judicial system due to a lack of access to justice and accountability, a judicial backlog, and corruption.

During the year the Office of the Attorney General received 203 complaints against prosecutors for misconduct, compared with 222 complaints during 2007, resulting in the dismissal of one prosecutor and the suspensions of 13 others for corruption and other serious infractions.

The court system has three levels. The first level includes justices of the peace, judges of instruction, and judges of sentence. The other two levels include appellate courts and the Supreme Court. The Supreme Court oversees the budget and administration of the court system and selects justices of the peace, trial judges, and appellate judges from a list of nominees proposed by the National Judiciary Council, an independent body that nominates, trains, and evaluates justices. There are separate court systems for family matters and juvenile offenders. The law requires that minors from 12–17 years of age be tried in juvenile courts.

Trial Procedures.—In general the law provides for trial by jury only in select cases. Although juries were used for specific charges, including environmental pollution and certain misdemeanors, judges decided most cases. By law juries hear only cases that the law does not assign to sentencing courts. After the jury's determination of innocence or guilt a tribunal decides the sentence.

Defendants have the right to be present in court, question witnesses, and present witnesses and evidence. Although the constitution further provides for the presumption of innocence, protection from self-incrimination, the right to legal counsel, free-

dom from coercion, and government-provided legal counsel for the indigent, these legal rights and protections were not always respected in practice. Although a jury's verdict is final, a judge's verdict can be appealed. Trials are public.

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

Civil Judicial Procedures and Remedies.—Although the law provides for access to the courts, enabling litigants to bring civil-matter lawsuits, including seeking damages for, or cessation of, human rights violations, the judiciary was not independent or impartial. Judges were subject to outside influence. Some persons sought to bring their cases before international bodies, such as the IACHR and the Inter-American Court, because they believed that these organizations would adjudicate their claims with greater fairness and impartiality. The law provides administrative remedies for alleged wrongs through the PDDH, the Solicitor's Office, the Government Ethics Tribunal, and the Center for Consumer Protection, as well as administrative offices within the various ministries. There were problems in enforcing domestic court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Independent media were active and expressed a variety of views without restriction.

Following a Reporters Without Borders request that the Government investigate the September 2007 killing of radio journalist Salvador Sanchez Roque, on May 12, a court sentenced three gang members to 35 years' imprisonment each for homicide.

Although international NGOs generally commented positively on the status of press freedom in the country, newspaper editors and radio directors occasionally discouraged journalists from reporting on topics that the owners or publishers might not view favorably.

The law permits the executive branch to use the emergency broadcasting service to take over temporarily all broadcast and cable networks to televise political programming.

On September 19, while journalists Roberto Guzman Miguel and Allan Antonio Martell Pereira were filming a documentary on problems with potable water in Huizucar, La Libertad, municipal advisor Jose Arias damaged their camera and threatened to kill them with a machete. On November 6, a judge issued a restraining order against Arias and ordered that he pay for camera repairs.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet service was primarily available in the major cities. The International Telecommunication Union reported that in 2007, there were approximately 11 Internet users per 100 inhabitants nationwide.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, and the Government generally respected this right in practice. On February 19, the Government dismissed charges against several persons who were arrested and charged under the counterterrorism law during July 2007 demonstrations in Suchitoto against President Saca.

Freedom of Association.—Although the constitution provides for freedom of association, there were concerns regarding registration delays of certain types of civil society groups. NGOs asserted that the Ministry of Governance delayed approval of, or denied legal status for, NGOs with particular human rights or political agendas. The Government continued to deny the legal registration application of the homosexual rights NGO Entre Amigos.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The Ministry of Governance has responsibility for registering, regulating, and overseeing the finances of nonprofit organizations, non-Catholic churches, and other religious groups. The constitution exempts the Roman Catholic Church from this registration requirement. Although non-Catholic churches are not required to register, they must do so if they wish to incorporate formally. Noncitizens in the country primarily for the purpose

of proselytizing must obtain a special residence visa for religious activities. In practice the Government did not enforce this requirement.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community totaled approximately 150 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The constitution prohibits forced exile, and the Government observed this prohibition in practice.

Protection of Refugees.—The law provides for the granting refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern. During the year the Government received six refugee petitions and granted one person refugee protection; two petitions were dismissed, and the remaining three petitions were pending at year's end.

In practice the Government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened.

The Government received no requests for temporary protection for individuals who may not qualify as refugees under the 1951 UN Convention and its 1967 protocol.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In 2004 ARENA party candidate Élias Antonio Saca won the presidential election, which the Organization of American States and other international observers reported was generally free and fair with few irregularities.

Political parties could operate without restrictions or outside interference. In March 2006 elections, described as free and fair by international observers, the ARENA party won a plurality of 34 deputy seats in the 84-seat unicameral Legislative Assembly and later negotiated with the 10 deputies of the National Conciliation Party and the five deputies of the Christian Democratic Party to maintain a simple working majority. The opposition FMLN Party won 32 seats.

The country's vice president was a woman, and there were 13 women in the Legislative Assembly and five women on the 15-member Supreme Court. No persons in the Supreme Court, legislature, or other government entities identified themselves as members of an ethnic minority or indigenous community, and there were no political party positions or parliamentary seats designated for ethnic minorities.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials, particularly in the judicial system, reportedly engaged in corrupt practices with impunity. Public officials are not subject to financial disclosure laws. The Court of Accounts, the Anticorruption Unit of the Office of the Attorney General, and the Government Ethics Tribunal (TEG) are the three agencies that combat corruption. During the year the Office of the Attorney General brought eight judicial corruption cases before the Supreme Court. Through December there was no information on the status of these cases.

The Legislative Assembly has not audited the Court of Accounts, the Government agency charged with auditing the National Treasury and the Federal Budget, since 1995, despite a law mandating an annual audit. The attorney general criticized the administration of the Court of Accounts on various occasions, alleging corruption and mismanagement. In July the Court of Accounts rejected a budget and procedure audit on legal technicalities. FUSADES criticized the court's decision as lacking in transparency and accountability.

In contrast with its practices in previous years, the Legislative Assembly restricted public access to its monthly committee reports and required that a Board of Directors member approve such requests. The TEG opened investigations against

186 public officials and resolved 112 of these cases. To combat public sector corruption, the TEG operated tribunals within government entities.

On November 12, the TEG rejected a motion, based on a petition filed by a private citizen, to sanction President Saca for attending a fundraising lunch for the ARENA party while on an official visit to Los Angeles. The TEG stated that the president was not representing the Government at the lunch.

Although the law provides for public access to government information, in practice inconsistent legislation impeded such access. There is no freedom of information law. Citizens could access some information via the Internet regarding the national budget and certain cases before the Supreme Court. The Government usually did not give reasons for denying public access to information. There are no mechanisms to appeal denials.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to these groups, officials at times were reluctant to discuss worker rights issues with NGOs and the PDDH. Domestic and international NGOs were required to register with the Government, and some reported difficulties. The Government continued to deny legal registration to the gay rights NGO Entre Amigos.

The principal human rights investigative and monitoring body is the autonomous PDDH, whose head is elected by the Legislative Assembly to a three-year term. The PDDH regularly issued reports, including an analysis of use of the counterterrorism law during the July 2007 Suchitoto demonstration, and press releases.

The PDDH maintained a constructive dialogue with the president's office. The Government publicly acknowledged receipt of the PDDH's reports, although in some cases it did not take action on PDDH recommendations, which are not legally binding. The public generally trusted the PDDH.

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

Although the constitution and the legal code establish that all persons are equal before the law and prohibit discrimination regardless of race, gender, disability, language, or social status, in practice the Government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, gay and lesbian persons, and indigenous people.

Women.—The law criminalizes rape. While not specifically addressed in the law, spousal rape may be considered a crime if the actions meet the criminal code definition of rape. The Office of the Attorney General may prosecute rape cases with or without a complaint from the victim, and the law does not permit the victim's pardon to nullify the criminal charge. The penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for rape of certain classes of victims, including children and persons with disabilities. Incidents of rape continued to be underreported for a number of reasons, including societal and cultural pressures against victims, fears of reprisal, ineffective and unsupportive responses by the authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted. Laws against rape were not effectively enforced.

Rape and other sexual crimes against women were widespread. The attorney general opened the investigations of 1,002 cases of rape of adults, which resulted in 189 trials and 71 convictions. The Office of the Attorney General investigated 444 cases of rape of minors and persons with disabilities, resulting in 100 trials and 33 convictions. Through December the PNC received reports of 364 cases of rape against adults. By year's end the Office of the Attorney General was investigating 1,657 cases of sexual crimes (including the aforementioned rape cases), resulting in 266 trials and 109 convictions.

ISDEMU provided health and psychological assistance to 943 women who suffered sexual abuse. It also provided assistance to 5,901 girls who suffered physical abuse during the year.

The law prohibits domestic violence and provides for sentences ranging from one to three years in prison. The law also permits obtaining restraining orders against offenders. Domestic violence was considered socially acceptable by a large portion of the population, and, as with rape, its incidence was underreported.

Violence against women, including domestic violence, was a widespread and serious problem. Laws against domestic violence were not well enforced, and cases were not effectively prosecuted. During the year ISDEMU received 6,051 reports of do-

mestic violence, compared with 5,906 complaints in 2007. The Office of the Attorney General investigated 1,201 cases, which resulted in 12 trials and four convictions.

ISDEMU coordinated with the judicial and executive branches and civil society groups to conduct public awareness campaigns against domestic violence and sexual abuse. The PDDH, the Attorney General's Office, the Supreme Court, the Public Defender's Office, and the PNC collaborated with NGOs and other organizations to combat violence against women through education, increased enforcement of the law, and NGO support programs for victims. The National Secretariat for the Family, through ISDEMU, defined policies, programs, and projects on domestic violence and continued to maintain a telephone hot line and a shelter for victims of domestic abuse and child victims of commercial sexual exploitation.

Although prostitution is legal, the law prohibits inducing, facilitating, promoting, giving incentives to a person to work as a prostitute, or paying anyone under the age of 18 for sexual services. Prostitution remained common, and there were credible reports that some women and girls were forced into prostitution.

Trafficking in women and girls for purposes of sexual exploitation was a problem. The attorney general reported that it had investigated approximately 80 cases of sexual exploitation.

The law prohibits discrimination based on gender; however, it does not specifically prohibit sexual harassment. The law broadly defines sexual harassment as any unwanted verbal or physical sexual conduct and stipulates penalties of three to five years in prison (or four to eight years in cases where the victim is under the age of 15 at the time of the offense). Fines are added to the prison term in cases where the perpetrator is in a position of authority or trust over the victim.

The Government did not enforce sexual harassment laws effectively. Since under-reporting by victims of sexual harassment appeared to be widespread, it was difficult to estimate the extent of the problem; however, ISDEMU estimated that 40 percent of incidents of sexual abuse and rape were preceded by sexual harassment.

The constitution grants women and men the same legal rights under family and property law, but women did not receive equal treatment in practice. The law establishes sentences of one to three years in prison for public officials who deny a person's civil rights based on gender, and six months to two years for employers who discriminate against women in the workplace; however, it was difficult for employees to report such violations because they feared reprisals.

Pregnancy testing as a condition for employment is illegal. There were allegations that some businesses, including apparel assembly factories, required female job applicants to present pregnancy test results and fired pregnant workers.

Women suffered from cultural and societal discrimination and had reduced economic opportunities. Men often received priority in job placement and promotions, and women were not accorded equal respect or stature in traditional male-dominated sectors, such as agriculture and business. Training for women generally was confined to low-wage occupational areas where women already held most positions, in fields such as teaching, nursing, home industries, and small businesses.

Gender-based wage disparity remained a problem. Data from the 2007 Household Survey indicated that, on average, women's monthly wages were \$265.81 (the U.S. dollar is the national currency), and men's were \$308.73. In the apparel assembly sector, where women made up the majority of the labor force, men held most positions in management and in departments where employees received higher wages.

ISDEMU provided awareness training on public policies relating to gender and, along with the Foundation for Small and Medium-Sized Enterprises and the Salvadoran Institute for Professional Training, also provided technical and financial assistance to female heads of household throughout the country.

Children.—The Government was committed to improving children's rights and welfare. However, it allocated insufficient resources and suffered from poor inter-agency coordination in its child welfare activities. The Salvadoran Institute for Children and Adolescents (ISNA), an autonomous entity, has primary responsibility for child welfare issues.

There were reports that not all births were registered, but there were no current statistics to confirm the extent of the problem.

Child abuse was a serious and widespread problem. Through June ISNA reported 1,114 cases of child abuse, including 357 cases of negligence, 227 cases of mistreatment, 138 cases of children living on the streets, 192 cases of sexual abuse, 122 cases of abandonment, 34 cases of children employed as beggars, and 44 cases of commercial sexual exploitation.

On April 29, Pablo Urias Torres, a schoolteacher in San Vicente, was sentenced to 34 years' imprisonment for the rape of three minor students. On May 21, Juan

Fernando Elias, a schoolteacher from San Salvador, was sentenced to six years' imprisonment for the rape of a minor student.

There was no information available regarding the status of the Office of the Attorney General's investigation of the alleged beating by police officers in 2007 of a minor prisoner in Tonacatepeque juvenile prison.

The law prohibits participating in, facilitating, or purchasing materials containing child pornography and provides for prison sentences of up to 16 years' imprisonment; however, this law was not enforced effectively.

On August 20, infant Erick Amaya died of pneumonia and malnutrition while in the care of ISNA. At year's end the Office of the Attorney General was investigating whether ISNA employees should be charged with negligence regarding the child's death. Media reports throughout the year focused on ISNA's poor management, and the need for the Government to pass new legislation to protect children's welfare.

Trafficking in Persons.—Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for women and children trafficked primarily for the purpose of sexual exploitation. There were reports of internal trafficking and evidence that persons were trafficked for agricultural work. There was also evidence that the country was a transit point for girls trafficked to Mexico, the United States, neighboring Central American countries, and elsewhere.

Most international trafficking victims came from Nicaragua, Honduras, and South America. Some children were trafficked internally to cities, particularly to Acajutla and San Miguel, and to border regions. Sex trafficking of minors occurred within the country's borders, as did sex trafficking induced by force, fraud, or coercion. According to the International Labor Organization's (ILO) International Program to Eliminate the Worst Forms of Child Labor, girls were sexually exploited commercially in San Salvador and San Miguel.

Trafficking remained a significant problem, but due to the country's porous borders, there were no firm estimates on its full extent. Groups at special risk for trafficking were girls and young women from 12–18 years of age, persons from rural and poor areas, single mothers in poor areas, adolescents without formal schooling, adolescent mothers, unemployed young men, and young foreign girls.

According to immigration authorities, the principal traffickers in the country were the owners of topless bars, brothels, and employment agencies that offered inducements for work in beauty salons, as models, in gyms, as maids, or in factories.

The PNC reported that the most common methods of obtaining victims were kidnapping, lucrative job offers, and inducement into prostitution by family, friends, and smugglers. While some traffickers transported victims, some foreign victims entered the country on their own from Nicaragua, Honduras, and other neighboring countries in response to job offers to work as domestic servants but were forced into prostitution on arrival.

Trafficking in persons and forced prostitution are felonies, penalized by four to eight years' imprisonment. If the trafficking victim is under 18, has physical or mental disabilities, suffers violations of freedom of transit in a foreign country, dies as a consequence of negligence or imprudence, or if the perpetrator is a law enforcement agent or public officer, the maximum sentence increases by one-third.

By year's end the PNC had arrested 408 persons on trafficking charges. The Office of the Attorney General investigated 81 new cases of trafficking and obtained seven convictions. In its 2008 observations, the ILO Committee of Experts requested that the Government provide information on court cases under way, copies of judicial rulings made, and penalties imposed to combat trafficking in persons.

During the year the Government, in cooperation with Interpol and foreign authorities, detained 372 persons for trafficking. In February a court sentenced a former PNC official to seven years' imprisonment, and two other persons to eight and six years' imprisonment respectively, for trafficking a 16-year-old girl and a woman for the purpose of sexual exploitation.

The Government detained illegal migrants, including those who might have been trafficking victims. Persons under age 18 were repatriated through ISNA cooperation with its counterpart organizations. The PNC encouraged trafficking victims to press charges against traffickers. Victims could apply for temporary residence or refugee status if they were likely to face persecution in their country of origin. Adult illegal immigrant victims of trafficking who did not request assistance or express fear for their lives were deported under immigration law.

The Government provided legal, medical, and psychological services upon request. Victims of trafficking were not treated as criminals unless they were undocumented workers of legal age. Although the Government provided assistance to its repatri-

ated citizens who were victims of trafficking, victims faced societal discrimination due to having engaged in prostitution or other commercial sexual activities.

The Salvadoran Network Against Trafficking, made up of the ILO, Catholic Relief Services, Save the Children, the Anglican Church of El Salvador, CARECEN International, Caritas, and the Salvadoran National Women's Commission, provided legal counseling and human rights awareness to victims of trafficking. The Government's shelter for victims of trafficking provided protection to 42 persons during the year.

The ISDEMU human rights program assisted 9,211 at-risk persons. The National Committee to Combat Trafficking in Persons, a task force made up of the Government agencies responsible for addressing trafficking in persons, collected data on trafficking, and its member agencies conducted extensive antitrafficking training, information programs, and assistance to victims.

During the year the Government, Catholic Relief Services, and Save the Children conducted a pilot program to provide financial assistance to trafficking victims to foster their reintegration into society. The program also developed an interagency manual to train police, lawyers, and judges on combating trafficking. The Government also reported that the UN Children's Fund and an international NGO trained 38 government and NGO officials to combat trafficking. The Government stated that by year's end, it had trained 5,231 public officials involved with combating trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The Government, however, did not allocate sufficient resources to enforce effectively these prohibitions, particularly in education and employment, nor did it effectively enforce legal requirements for access to buildings for persons with disabilities.

Several public and private organizations promoted the rights of persons with disabilities. The National Council for Disabled Persons (CONAIPD) is the Government agency responsible for protecting those rights.

Throughout the year CONAIPD conducted awareness campaigns, provided sensitivity training to 1,240 persons from the public and private sectors, and promoted the hiring of persons with disabilities. The Government Fund for the Protection of Persons with Disabilities gave financial support to people who were wounded or had a disability as a result of the civil war. The Rehabilitation Foundation, in cooperation with the Salvadoran Institute for the Rehabilitation of the Disabled, continued to operate a treatment center for persons with disabilities. The Government provided minimal funding for these programs.

Indigenous People.—While the constitution states that native languages are part of the national heritage and should be preserved and respected, the law does not recognize indigenous communities and accords no special rights to indigenous people. There were reports that indigenous persons comprise approximately 0.21 percent of the national population and form three principal groups: Nahua-Pipiles in western and central areas of the country, and Lencas and Cacaoperas in the eastern region. Although few individuals publicly identified themselves as indigenous, there were a few small indigenous communities whose members continued to maintain traditional customs without repression or interference by the Government or non-indigenous groups. Government estimates in 2004, the most recent available, indicated that approximately 99 percent of indigenous persons lived below the poverty level.

There was no information available regarding the status of a complaint that 11 self-identified indigenous persons filed in 2007 with the Supreme Court Constitutional Chamber, regarding discrimination arising out of government housing and population censuses.

Access to land was a problem for indigenous persons. Because few possessed title to land, opportunities for bank loans and other forms of credit were extremely limited.

There were no government programs dedicated to combating discrimination against indigenous persons.

Other Societal Abuses and Discrimination.—There were reports that sexual abuse of males was substantially underreported to authorities. During the year ISDEMU provided health and psychological assistance to three men and 64 boys who were victims of physical or sexual abuse.

The law prohibits discrimination on the basis of HIV status and sexual orientation, although in practice discrimination was widespread. The homosexual rights group Entre Amigos reported that public and private actors engaged in violence and

discrimination against sexual minorities and persons with HIV/AIDS, including the Government's continued denial of Entre Amigos' application for legal registration. Entre Amigos also reported that throughout the year, persons vandalized and robbed the group's offices, necessitating that the organization move locations regularly.

Lack of public information remained a problem in confronting discrimination against persons with HIV/AIDS or in assisting persons suffering from HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—While the constitution provides for the right of workers, except military personnel, national police, and government workers, to form unions without previous authorization, there were problems in the exercise of this right.

Union leaders asserted that the Government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations. Among the requirements to obtain legal standing, unions must have a minimum of 35 members in the workplace, hold a convention, and elect officers. According to Ministry of Labor statistics, there were 386 registered unions.

There was no new information available regarding the September 2007 request by SITCOM communications union members that the Office of the Attorney General prosecute the minister of labor for not complying with a July 2007 order by the Supreme Court that SITCOM be granted legal status.

With the exception of public workers who provide vital community services, the constitution recognizes the right to strike, and workers exercised this right in practice.

A legal strike must be supported by 51 percent of workers in an enterprise, including workers not represented by the union. Unions may strike only after the expiration of a collective bargaining agreement or to protect professional rights. Unions must seek to resolve differences through direct negotiation, mediation, and arbitration before striking. A strike must aim to obtain or modify a collective bargaining agreement and to defend the professional interests of workers. Union members must approve a decision to strike through secret ballot, and the union must name a strike committee to serve as a negotiator and send the list of names to the Ministry of Labor, which notifies the employer. The union must wait four days from the time the Ministry of Labor notifies the employer before striking. The law prohibits workers from appealing a government decision declaring a strike illegal.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining by employees in the private sector and by certain categories of workers in autonomous government agencies, such as utilities and the port authority. The Ministry of Labor reported 290 collective bargaining agreements covering 60,226 workers. Labor leaders asserted that the Government had an unfair advantage in arbitration of public sector labor disputes because the Government holds two of three seats on arbitration panels.

While the law prohibits antiunion discrimination, these provisions were rarely enforced, and there was discrimination against labor union organizers.

There were 120 apparel assembly plants, including those located in free trade zones (FTZs). There are no special laws or exemptions from regular labor laws inside the FTZs. There were credible reports that some factories in the FTZs dismissed union organizers. There were no collective bargaining agreements among the 67,000 workers in the apparel assembly sector. Apparel assembly workers reported verbal and physical abuse, as well as sexual harassment by supervisors. The Ministries of Labor and the Economy concurred that during the year approximately 10,000 workers in the apparel assembly sector were not receiving social security and other payment benefits to which they were legally entitled. The Attorney General's Office reported receiving 308 complaints and prosecuting 125 cases of nonpayment.

The Government did not allocate sufficient resources for adequate inspection and oversight to ensure respect for association and collective bargaining rights in FTZs. There continued to be allegations of corruption among labor inspectors in the apparel assembly industry. During the year the Government conducted 28,314 labor inspections and imposed fines for labor violations in 1,004 cases.

The law does not require employers to reinstate illegally dismissed workers. Employers have dismissed workers who tried to form unions, and in most cases the Government did not prevent their dismissal or seek their reinstatement.

The law specifies 18 reasons for which an employer can legally suspend workers, and employers can invoke 11 of these reasons without prior administrative or judicial authorization. Workers reported instances where employers used illegal means to undermine union organizing, including dismissal of labor activists and black-listing workers who were union members.

There was no further information available regarding the failure of the Calvo Tuna Company to rehire dismissed workers who had formed a union, despite a July 2007 Ministry of Labor order granting the union legal status.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children, except in the case of natural catastrophe and other instances specified by law. Although the Government generally enforced this prohibition, there were reports of trafficking of persons for forced commercial sexual exploitation and apparel assembly labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14, but child labor remained a serious and widespread problem.

Children from the age of 12 are allowed to engage in light work so long as it does not harm their health or interfere with their education. Children under 16 years of age are prohibited from working more than seven hours per day and 34 hours per week; those under age 18 are prohibited from working at night or in occupations considered hazardous. The Ministry of Labor was responsible for enforcing child labor laws. In practice labor inspectors focused almost exclusively on the formal sector, where child labor was rare.

The Government did not devote adequate resources to enforce effectively child labor laws in agricultural activities, especially coffee and sugarcane production, or in the large informal sector. Orphans and children from poor families frequently worked for survival as street vendors and general laborers in small businesses. Officials of the Ministry of Labor reported that the ministry received few complaints of violations of child labor laws, primarily because many citizens perceived child labor as an essential component of family income rather than a human rights abuse.

There were credible reports of trafficking in children and child prostitution. Child labor in its worst forms was a serious problem in coffee and sugar cane cultivation, fishing, mollusk extraction, and fireworks production.

The Ministry of Labor reported that it had 159 labor inspectors distributed nationwide; however, none specifically worked on child labor issues. The Ministry of Labor reported conducting 338 inspections of coffee plantations, 265 inspections of sugar cane plantations, three inspections of fireworks factories, and two inspections in the fishing and mollusk sectors.

The Government operated child labor awareness programs to encourage school attendance. The Ministry of Labor reported that when inspectors encountered child labor, the Government removed the victims and placed them in educational programs. The ILO's International Program on the Elimination of Child Labor continued operating programs to combat commercial sexual exploitation of children.

e. Acceptable Conditions of Work.—The minimum wage is set by executive decree, based on recommendations from a tripartite committee comprising representatives from labor, government, and business. The minimum monthly wage was \$192.10 for retail employees, \$187.73 for industrial laborers, and \$166.82 for apparel assembly workers. The agricultural minimum wage was \$89.86. The national minimum wage did not provide a sufficient standard of living for a worker and family.

There was no new information available regarding the 2006 outstanding fine of \$144,724 imposed by the Third Sentencing Court against Joaquin Salvador Montalvo Machado for retaining illegally worker social security and pension payments at the Hermosa Manufacturing apparel assembly plant. There also was no new information available regarding an October 2007 Ministry of Labor order that Hermosa Manufacturing pay a \$2,400 fine for outstanding wages and related benefits owed to company workers.

In general the Ministry of Labor did not enforce effectively minimum wage laws. It reported conducting 7,938 inspections and sanctioning 81 employers in the industrial, commercial, and service sectors due to nonpayment of minimum wages. The average fine was \$134.97.

The law sets a maximum normal workweek of 44 hours, limited to no more than six days, and requires bonus pay for overtime. The law mandates that full-time employees be paid for an eight-hour day of rest in addition to the 44-hour normal workweek. The law prohibits compulsory overtime. These standards were not enforced effectively, and many workers were not paid overtime.

Sources reported that some apparel assembly plants underpaid workers and failed to compensate for mandatory overtime. Corruption among labor inspectors and in the labor courts remained barriers to enforcing the minimum wage laws.

The Ministry of Labor is responsible for setting workplace safety standards, and the law on occupational health and safety standards establishes a tripartite committee to review the standards. The law requires all employers to take steps to ensure that employees are not placed at risk to their health and safety in the work-

place. This includes prohibitions on the employment of persons under age 18 in occupations considered hazardous or morally dangerous. Health and safety regulations are outdated, and enforcement was inadequate. The law does not clearly recognize the right of workers to remove themselves from hazardous situations without jeopardy to their continued employment. During the year the Ministry of Labor reported inspecting 3,774 workplaces for working conditions.

GRENADA

Grenada is a parliamentary democracy with a bicameral legislature. Grenada and two smaller islands, Carriacou and Petite Martinique, have a population of approximately 105,000. In generally free and fair elections on July 8, the National Democratic Congress (NDC) won 11 of 15 seats in Parliament, defeating the incumbent New National Party (NNP) and Tillman Thomas was sworn in as prime minister. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, problems included allegations of corruption, violence against women, and instances of child abuse.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no confirmed reports that government officials employed them. However, there were occasional allegations that police beat detainees. Flogging, a legal form of punishment, was occasionally used as punishment for sex crimes.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, with the exception of overcrowding, and the Government permitted visits by independent human rights observers. Overcrowding was a significant problem, as 386 prisoners, of which nine were women, were held in space designed for 98 persons.

Women were held in a separate section of the prison from men. There was no separate facility for juveniles, so they were held with the general prison population.

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

Role of the Police and Security Apparatus.—The country does not have a military. The 937 person Royal Grenadian Police, together with 242 rural constables, has a hierarchical structure and generally was effective in responding to complaints. The police commissioner continued a community policing program.

The police report to the minister for national security, who is also the prime minister. The police commissioner can discipline officers (up to the rank of sergeant) in cases of brutality with penalties that include dismissal. Only the Public Service Commission can discipline officers with the rank of inspector or above.

The police officer who stole drugs and ammunition from the evidence room in 2005 and two other officers accused of fraud in 2006 were dismissed from the service. Authorities dropped the cases pending against them.

Arrest and Detention.—The constitution and law permit police to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours, and this limit generally was respected. In practice detainees were provided access to a lawyer and family members within 24 hours. The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning system of bail, although persons charged with capital offenses are not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the governor general. The court appoints a lawyer for the indigent in cases of murder and other capital crimes.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

The judiciary is a part of the Eastern Caribbean legal system, which consists of three resident judges who hear cases in the High Court twice a year and a Court of Appeals staffed by a chief justice who travels between the Eastern Caribbean islands to hear appeals of local cases. Final appeal may be made to the Privy Council in the United Kingdom.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. The law allows for a defense lawyer to be present during interrogation and to advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser and has the right of appeal. There are jury trials in the High Court only; trials are open to the public unless the charges are sexual in nature or a minor is involved.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court appoints a lawyer to represent the accused if the defendant was not represented previously or reappoints earlier counsel if the appellant can no longer afford that lawyer's services. With the exception of foreign born drug suspects or persons charged with murder, the courts granted most defendants bail while awaiting trial.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The civil court system encompasses a number of seats around the country at which magistrates preside over cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice.

In February authorities detained a Jamaican journalist and threatened her with deportation for not presenting the required documentation to work in the country. The prime minister's office stepped in to resolve the case, and the journalist was allowed to continue to work.

In April two local journalists reported that they were the targets of harassment when leaflets with negative depictions of the two appeared in downtown St. George's. Reporters without Borders published on its Web site a letter of protest addressed to the prime minister.

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

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

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

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

There is no state religion; however, all religious organizations must register with the Government, which entitles them to some customs and import tax exemptions.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The law does not address forced exile, but the Government did not use it.

Protection of Refugees.—The country is not party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The Government has not established a system for providing protection to refugees or asylum seekers. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

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

Elections and Political Participation.—On July 8, the National Democratic Congress won 11 of 15 seats in the House of Representatives, defeating incumbent Prime Minister Keith Mitchell and his NNP administration, which retained four seats. The Organization of American States led a 25-member election observer mission, which deemed the elections free and fair.

There were two women in the House of Representatives and four women among the 13 appointed senators. The Senate president is female, and there were three female ministers of government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not fully implement such laws, and officials sometimes engaged in corrupt practices. The World Bank's governance indicators reflected that corruption was a problem.

In 2007 Parliament passed the country's first anticorruption laws, but the Integrity Commission created by one of the two laws was not in operation by the end of the year, because the newly elected government raised questions about the commission's composition.

The new anticorruption laws require all public servants to report their income and assets, but implementation was delayed by lack of the new commission.

There are no laws mandating transparent reporting of political donations or limiting the amount of political donations from outside the country.

Although there is no law providing for public access to government information, citizens may request access to any information that is not deemed classified. There is no national archive system, but the public library attempted to archive those official documents to which it had access.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Most local NGOs were connected to the main political parties.

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

The constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or gender, and the Government generally upheld these prohibitions.

Women.—The law criminalizes rape, including spousal rape, and stipulates a sentence of flogging or up to 15 years' imprisonment for a conviction of any nonconsensual form of sex. Authorities brought 17 cases involving rape or related charges to the court. Of these, 15 resulted in convictions, with the remaining two cases still pending at year's end.

Women's rights monitors noted that violence against women remained a serious problem. The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. Police and judicial authorities usually acted promptly in cases of domestic violence. Sentences for assault against a spouse vary according to the severity of the incident. A shelter accommodating approximately 20 battered and abused women and their children operated in the northern part of the country, staffed by medical and psychological counseling personnel. The Government established and publicized an anonymous hot line for victims to get help and for persons to report cases of abuse. The hot line received an average of two calls per week, while an office line in the ministry received ap-

proximately 12 calls per week that met hot line criteria. Lack of familiarity with what a hot line is may explain why persons called the office line.

Prostitution is illegal but existed.

The law prohibits sexual harassment, but there are no criminal penalties for it. It is the responsibility of the complainant to bring a civil suit against an alleged harasser.

Women generally enjoyed the same rights as men, and there was no evidence of official discrimination in health care, employment, or education; however, women frequently earned less than men performing the same work. Television and radio public service announcements continued to combat spousal abuse and raise women's awareness of their rights.

Children.—The Government was committed to children's rights and welfare. The Social Welfare Division within the Ministry of Housing, Social Services, and Cooperatives provided probationary and rehabilitative services to youths, day-care services and social work programs to families, assistance to families wishing to adopt or provide foster care to children, and financial assistance to the six children's homes run by private organizations.

The new government put into effect a free school book program for all primary school children as well as free mathematics, English language, science, and information technology books for secondary school students. A number of local NGOs and the Government provided scholarships to needy families to pay for books, uniforms, and transport.

Government social service agencies reported 16 physical abuse and 29 sexual abuse cases during the year, substantially higher than in 2007. Abused children were placed either in a government run home or in private foster homes. The law stipulates penalties ranging from five to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. The Government used television and radio spots to raise awareness within the population about child abuse and incest.

Trafficking in Persons.—The constitution and law do not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. In theory trafficking cases could be prosecuted under other laws, such as those prohibiting forced prostitution, pimping, sexual abuse, and abuse of a minor.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law do not protect job seekers with disabilities from discrimination in employment. The law does not mandate access to public buildings or services. The Government provided for special education in its school system; however, most parents chose to send their children to three special education schools operating in the country. Persons with disabilities had full access to the health care system and other public services. The Government and NGOs continued to provide training and work opportunities for such persons. The Ministry of Social Services includes an office responsible for looking after persons with disabilities, as well as the Council for the Disabled, which reviews disability-related issues.

National/Racial/Ethnic Minorities.—The ancestors of many citizens came to the country from India as indentured servants, many of whom found themselves in slave-like conditions. Descendants of this population make up approximately 8 percent of the population, but their history is not taught in the schools. Some complained about discrimination based on their origins, although most have intermarried with persons of European or African descent.

Other Social Abuses and Discrimination

The law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment. Society generally was intolerant of homosexuality, and many churches condemned it.

There was no perceptible discrimination against those with HIV/AIDS, in part because the disease was widespread in the general population, including women infected by partners engaging in sex with men and boys, and partly because of societal pressures to keep one's status quiet. The Government encouraged citizens to be tested and to get treatment. An NGO, GRECHAP, provided counseling to those affected by HIV/AIDS. A local business organization urged local companies to educate themselves and their workers about HIV/AIDS in the workplace and not to discriminate against employees with the disease.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law allow workers to form and join independent labor unions. Labor ministry officials estimated that 56 percent of the work force was unionized. All major unions belong to one umbrella labor federation, the Grenada Trades Union Council, which was subsidized by the Government.

The law does not oblige employers to recognize a union formed by their employees if the majority of the work force does not belong to the union; however, they generally did so in practice.

The law provides workers with the right to strike, and workers exercised this right in practice. The Technical and Allied Workers Union at different times during the year brought a number of the groups it represented out on brief strikes. All the cases were resolved.

b. The Right to Organize and Bargain Collectively.—Workers exercised the legal right to organize and to participate in collective bargaining. The law requires employers to recognize a union that represents the majority of workers in a particular business.

The law prohibits antiunion discrimination, and employers can be forced to rehire employees if a court finds they were discharged illegally.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—Although child labor is illegal, children sometimes worked in the agricultural sector on family farms. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforced this provision in the formal sector through periodic checks, but enforcement in the informal sector remained a problem.

e. Acceptable Conditions of Work.—The Ministry of Labor last updated minimum wages in 2002, but late in the year a tripartite committee reviewed wage levels and was expected to set a new minimum wage early in 2009. The process was transparent and involved site visits to examine 14 categories of employees. Minimum wages were in effect since 2002 for various categories of workers; for example, agricultural workers were classified into male and female workers. Rates for men were EC\$5.00 (\$1.85) per hour, and for women EC\$4.75 (\$1.75) per hour; however, if a female worker performed the same task as a man, her rate of pay was the same. The minimum wage for domestic workers was set at EC\$400 (\$148) monthly. The national minimum wage did not provide a decent standard of living for a worker and family. During the year approximately 30 percent of the population earned less than the official poverty line, which was drawn at EC\$599 (\$222) per month. The Government effectively enforced minimum wages.

The law provides for a 40 hour maximum workweek. The law does not stipulate rest periods, although no one can be asked to work for longer than five hours consecutively without a one-hour meal break. In addition, domestic employees may not, by law, be asked to work longer than a 10-hour period without at least two hours of breaks for meals and rest periods. Union-negotiated contracts often mandated rest breaks. The law requires a premium for work above the standard workweek and prohibits excessive or compulsory overtime.

The Government sets health and safety standards, but the authorities enforced them inconsistently. Workers have the right to remove themselves from dangerous workplace situations without jeopardy to continued employment.

GUATEMALA

Guatemala is a democratic, multiparty republic with a population of approximately 13.7 million. In November 2007 national elections, generally considered by international observers to be free and fair, Alvaro Colom of the National Unity of Hope (UNE) party won a four-year presidential term, which began on January 14. While civilian authorities generally maintained control of the security forces, there were instances in which members of the security forces committed illegal acts, including human rights abuses.

Although the Government generally respected the human rights of its citizens, serious problems remained. Human rights and societal problems included the Government's failure to investigate and punish unlawful killings committed by members of the security forces; widespread societal violence, including numerous killings; cor-

ruption and substantial inadequacies in the police and judicial sectors; police involvement in kidnappings; impunity for criminal activity; harsh and dangerous prison conditions; arbitrary arrest and detention; failure of the judicial system to ensure full and timely investigations and fair trials; failure to protect judicial sector officials, witnesses, and civil society representatives from intimidation; threats and intimidation against and killings of journalists and trade unionists; discrimination and violence against women; trafficking in persons; discrimination against indigenous communities; discrimination and violence against gay, lesbian, transvestite, and transgender persons; and ineffective enforcement of labor laws and child labor provisions.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Although there were no reports that the Government or its agents committed any politically motivated killings, members of the police force committed unlawful killings. Corruption, intimidation, and ineffectiveness within the police and other institutions prevented adequate investigation of many such killings, as well as the arrest and successful prosecution of perpetrators.

At year's end the National Civilian Police (PNC) and its Office of Professional Responsibility (ORP) reported that they had investigated 32 accusations of killings involving PNC personnel and had investigated a total of 185 agents. The investigations determined that PNC personnel were responsible for the deaths in 18 of the 32 cases, and 14 cases remained under investigation.

On September 30, the Fourth Sentencing Court sentenced police agent Jose Corado to 25 years in prison for the February 7 extrajudicial killing of bus assistant Jose Angel Hernandez, who was participating in a demonstration to protest violence against bus drivers. On February 11, the PNC arrested and charged two other police agents for their involvement in the crime; at year's end they remained in custody.

On April 7, unidentified gunmen in Guatemala City killed Victor Rivera, former advisor to the minister of government and former head of the PNC antikidnapping unit, who was reportedly involved in investigating a number of high-profile cases. A Public Ministry investigation was pending at year's end.

On July 21, the PNC arrested and charged Criminal Investigation Division (DINC) detectives Victor Manuel Alvarado, Nicolas Camaja Bach, and Carlos Leonel Costop Gonzalez with the June 29 extrajudicial killings of the adult son and former husband of Edilma Navarijo, mayor of Ocos, San Marcos. Two other DINC agents were identified as suspects in the case but had not been arrested by year's end.

At year's end the nine PNC officers arrested as suspects in the alleged January 2007 extrajudicial killing of Antonio de Leon Lopez in Huehuetenango during an antinarcotics operation remained in custody, while a tenth officer remained at large.

On January 3, police arrested Carlos Alberto Gutierrez ("Montana 3"), assistant to former Jutiapa mayor Manuel Castillo, for his alleged involvement as one of the masterminds of the February 2007 killings of three Salvadoran Central American Parliament (PARLACEN) representatives and their driver. Gutierrez remained in custody at year's end. On August 29, the PNC arrested Manuel Castillo, a fugitive for more than seven months, for his alleged involvement in the PARLACEN killings. At year's end Castillo remained in custody and faced seven charges, including murder.

At year's end the director and deputy director of El Boqueron Prison, as well as several police officers with alleged ties to narcotics trafficking in Jutiapa, remained in custody in connection with the killing of four PNC suspects in the PARLACEN case.

On November 19, the First Sentencing Court sentenced PNC chief Dionisio Balam and PNC officers Wilson Tobar Valenzuela and Sabino Ramos Ramirez to 30 years each in prison for the September 2007 extrajudicial killings of five alleged gang members in Guatemala City.

There were no new developments regarding investigation of the 2006 shootings, one fatal, of five transvestites in Guatemala City.

On May 28, a court convicted and sentenced five former Civil Defense Patrol (PAC) members to 780 years each in prison for the 1982 killings of 177 civilians in Rio Negro, Baja Verapaz. The court ordered the defendants to pay 100,000 quetzales (\$12,937) to the families of the 26 identified victims. It also ordered the capture of former army captain Jose Antonio Solares Gonzalez, who remained at large despite a 1999 court order for his arrest, and former PAC members Ambrosio Perez Laju and Domingo Chen. At year's end all three remained at large.

Societal violence was rampant. Nonstate actors, with links to organized crime, narcotics trafficking, gangs, private security companies, and alleged “clandestine” or “social cleansing” groups, committed hundreds of killings during the year.

Killings and extortion of public bus drivers, assistants, and owners continued unabated, forcing some to move out of their homes or even to flee the country. As of December, according to the Guatemalan Association of Urban Bus Companies, 63 bus drivers had been killed in Guatemala City, and as of mid-October 255 bus drivers and assistants nationwide reportedly had been killed.

The nongovernmental organization (NGO) Human Rights Defenders Protection Unit (UPDDDH) reported that at year’s end there were 221 threats and other acts of intimidation against human rights defenders, including 12 killings. Reports also suggested that former or current members of the police were involved in some of the attacks and other abuses. Killings of all types, including those with evidence of sexual assault, torture, and mutilation of women, continued to occur. The NGO Grupo Guatemalteco de Mujeres reported that from January to December, 722 women were killed. At year’s end the PNC reported a total of 6,292 killings, including 687 killings of women, compared with 5,781 total killings, including 559 women, in 2007.

The Mutual Support Group (GAM) reported that at year’s end there were 105 killings of children nationwide.

GAM also reported that at year’s end 138 lynchings had taken place, 19 of which resulted in death. Many observers attributed the lynchings to continued public frustration with the failure of police and judicial authorities to guarantee security. Among the victims were municipal government employees and police officials who had taken unpopular actions in either enforcing or failing to enforce the law. There were also reports of community lynchings of individuals suspected of rape, kidnapping, or attempting to kidnap children to sell for adoption.

On January 20, a vigilante group in San Juan Sacatepequez shot and killed a 17-year-old whom they suspected of being a gang member. The group also killed the minor’s brother and father who attempted to intercede.

On September 16, community members of San Pedro Yepocapa in Chimaltenango lynched a 22-year-old man accused of assaulting and robbing passengers on a public bus and raping four women. At year’s end there was no investigation into the lynching and no suspects had been identified.

On June 7, the Chiquimula Sentencing Court sentenced Ingrid Martinez and Jesus Recinos to 50 years each in prison for kidnapping and killing nine-year-old Alba Mishel Espana Diaz in June 2007. Shortly after the disappearance of Espana Diaz, mobs lynched a woman suspected of kidnapping the girl. In 2007 a mob had lynched another woman whom they had suspected of kidnapping another child.

b. Disappearance.—Although there were no reports of politically motivated disappearances, there were reports of police involvement in kidnappings for ransom. The ORP reported that at year’s end there were nine complaints of kidnapping by PNC personnel.

There were no developments in the January 2007 disappearance of security guard Marcos de Jesus Garcia Sarmiento from the alleged hiding place of former fugitive Gustavo Herrera.

There were no known developments in the Public Ministry’s investigation of the February 2007 kidnapping of Marco Tulio Moreno Ramirez, who was reportedly kidnapped by four armed men wearing PNC-type uniforms.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and the law prohibit such practices, there were credible reports of torture, abuse, and other mistreatment by PNC members. Complaints typically related to the use of excessive force during police operations.

On November 28, the Tenth Penal Court opened a trial against PNC chief Elias Lemus Guerra, deputy inspector Jose Lopez Hernandez, and agents Jorge Garcia Ortiz and Dennis Gueiry Godinez for the April 9 illegal detention of Eleazar Rodas. The PNC officials allegedly threatened Rodas with false drug charges if he did not give the officials 10,000 quetzales (\$1,294) that he had in his possession at the time of his detention. The officials were also charged with theft and abuse of authority and remained in custody at year’s end.

According to press accounts, in an attempt to gather information about a protest, police detained and beat two bus assistants who had participated in a February 7 demonstration on violence against bus drivers and assistants.

At year’s end there were no known developments in the Public Ministry’s investigation of the alleged beatings in 2006 of three homeless children by soldiers assigned to the Military Police Brigade.

On April 16, a court in Quiche sentenced PNC officer Antonio Rutilio Matias Lopez to 20 years in prison for the 2005 aggravated rape of Juana Mendez, who was in police custody.

Prison and Detention Center Conditions.—Prison conditions remained harsh and dangerous. The prison system continued to suffer from a severe lack of resources, particularly in the areas of prison security and medical services and facilities. Prisoners complained of inadequate food and medical care. Corruption, especially related to illegal drug sales and use, was widespread. Prison officials reported frequent escape attempts, gang fights, and other manifestations of prisoner unrest. Prisoners frequently used cellular telephones to demand extortion payments and to direct other criminal activity both inside and outside the prison. Several prisons installed equipment to block such calls, but by year's end the final installation for equipment activation had not been completed.

Prison overcrowding continued to be a problem. The prison system registry reported that at year's end 8,242 persons were held in 19 prisons and jails designed to hold 6,974 persons. Approximately 45 percent of the national penitentiary system population was in pretrial detention.

Inadequate security measures undermined the penitentiary system's ability to effectively control prisoners. According to prison officials, there were 1,200 prison guards nationwide. Prisoners with access to cellular telephones reportedly coordinated a significant number of the country's kidnappings and some of the killings of bus drivers and assistants. Sixteen percent of prisoners reportedly belonged to gangs, which were active in prisons and occasionally attacked prison guards. Prison work and educational programs were inadequate to rehabilitate prisoners and decrease the 90 percent recidivism rate.

The media and NGOs reported that physical and sexual abuse of women and juvenile inmates was a serious problem. Many of the abused juvenile inmates were suspected gang members.

On May 1, gang-member inmates killed Jorge Augusto Mendoza, deputy director of the Preventive Detention Center in Chimaltenango. Prisoners reportedly rioted after prison officials detained two women who attempted to bring marijuana into the prison for members of the M-18 Gang.

On June 13, gang-member inmates killed two fellow inmates and injured four others during a fight at the Quetzaltenango Preventive Detention Center for men. During the three-hour confrontation, gang-member inmates held 28 non-gang-member inmates hostage and threatened them with guns and grenades.

On November 22, armed non-gang-member inmates at Pavoncito Preventive Detention Center killed and then decapitated and burned the bodies of five gang-member inmates to protest the transfer of the gang members from El Boqueron prison. Two additional inmates died during the confrontation. An estimated 100 PNC antiriot agents reportedly took four hours to retake control of the prison and remove the bodies.

There were no known developments in the investigation of the March 2007 killing of prisoner Jose de la Cruz Lara Diaz and injuring of prisoner Carlos Arturo Escaray by inmates at Pavoncito Prison.

At year's end the Public Ministry continued investigating the October 2007 case of prison guard Irma Barrientos, who allegedly prostituted female prisoners in the jail for women in Jalapa and extorted a 30 percent commission on money sent to prisoners by their relatives.

At year's end prison authorities had taken no action against prison guards allegedly involved in the 2006 killing of four juvenile inmates and injuring of five other rival gang-member inmates during a riot at San Jose Pinula Juvenile Detention Center.

On rare occasions male and female detainees in immigration facilities were held together. Pretrial detainees sometimes were held in the same prison blocks with the general prison population.

The Government permitted prison monitoring visits by local and international human rights groups, the Organization of American States, public defenders, religious groups, and family members, and such visits took place throughout the year.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention, but there were credible reports of arrests without judicial warrants, illegal detentions, and failure to adhere to prescribed time limits in legal proceedings. In practice arresting officers sometimes failed to bring suspects before magistrates within the legally mandated six-hour timeframe, and magistrates sometimes failed to hold a hearing within the legally mandated 24-hour timeframe.

Role of the Police and Security Apparatus.—The 19,671 member PNC, headed by a director appointed by the minister of government, remained understaffed, inad-

equately trained, and insufficiently funded. At year's end the PNC reported 78 deaths of PNC personnel, 22 in the line of duty.

While no active members of the military served in the police command structure, the Government continued to employ the military to support police units in response to rising crime. Joint police and military operations under operational control of the PNC continued in high-crime areas of Guatemala City, as well as in other regions of the country.

Police corruption remained a serious problem, and there were credible allegations of involvement by individual police officers and some police units in criminal activity, including rapes, killings, and kidnappings. Police and immigration officials reportedly extorted and mistreated persons attempting to enter the country illegally.

Police impunity remained a serious problem. The PNC routinely transferred officers suspected of wrongdoing rather than investigating and punishing them.

There were credible reports that PNC officers or persons disguised as police officers stopped cars and buses to demand bribes or steal private property. In some cases the supposed police officers assaulted and raped victims.

On June 9, the PNC arrested one senior police officer and three patrol officers for their alleged involvement in a criminal gang known as the "Crazy Mariachi" that had engaged in robberies and other crimes, including the April 9 illegal detention of Eleazar Rodas, in Guatemala City. On November 28, the Tenth Penal Court opened a trial against these PNC officials for their alleged involvement in the illegal detention. The officials remained in custody at year's end.

On September 18, the ORP arrested two PNC deputy commissioners for their alleged involvement in a criminal group operating in an affluent sector of Guatemala City. At year's end 12 other police officers were under investigation by the Public Ministry for possible involvement with this group.

Police threatened persons engaged in prostitution and other commercial sexual activities with false drug charges to extort money or sexual favors and harassed homosexuals and transvestites with similar threats of false charges. Critics accused the police of indiscriminate and illegal detentions when conducting antigang operations in some high-crime neighborhoods. Security officials allegedly arrested and imprisoned without charges, or sometimes using false drug charges, suspected gang members.

The ORP conducted internal investigations of misconduct by police officers. At year's end the ORP reported receiving 1,510 complaints, which included 12 complaints of killings, seven forced disappearances, nine kidnappings, eight illegal detentions, 119 thefts, seven rapes, 150 threats, and 183 cases of abuse of authority.

Although the ORP forwarded to the Public Ministry for further investigation and prosecution cases with sufficient evidence of criminal activity, few such cases went to trial. At year's end the ORP had investigated 185 police officers. The PNC did not provide statistics on the resolution of these cases, some of which were ongoing.

The PNC trained 2,810 cadets in human rights and professional ethics, compared with 2,635 in 2007. The army required civil affairs officers at each command to plan and document human rights training provided to soldiers. At year's end 1,035 military officers and soldiers had received human rights training.

Approximately two-thirds of police districts remained understaffed. Indigenous rights advocates asserted that security authorities' continuing lack of sensitivity to indigenous cultural norms and practices engendered misunderstandings and that few indigenous police officers worked in their own ethnic or linguistic communities.

Arrest and Detention.—The constitution and the law require that a court-issued arrest warrant be presented to a suspect prior to arrest unless the suspect is caught in the act of committing a crime. Police may not detain a suspect for more than six hours without bringing the case before a judge. Detainees often were not promptly informed of the charges filed against them. Once a suspect has been arraigned, the prosecutor generally has three months to complete the investigation and file the case in court or seek a formal extension of the detention period. The law provides for access to lawyers and bail for most crimes. The Government provided legal representation for indigent detainees, and detainees had access to family members.

At year's end the ORP had received eight accusations of illegal detention. There were no reliable data on the number of arbitrary detentions, although most accounts indicated that police forces routinely ignored writs of habeas corpus in cases of illegal detention, particularly during neighborhood antigang operations.

In high-crime areas of Guatemala City, Mixco, and Villa Nueva, the Government operated three 24-hour court pilot projects that significantly reduced the number of cases dismissed for lack of merit or on technical grounds and increased the prosecution rate in the Guatemala City metropolitan area. These projects enhanced the

Government's ability to comply with legal requirements to bring suspects before a judge within six hours of initial detention.

Although the law establishes a three-month limit for pretrial detention, prisoners often were detained past their legal trial or release dates. Some prisoners were not released in a timely fashion after completing their full sentences due to the failure of judges to issue the necessary court order or due to other bureaucratic problems. A judge has the discretion to determine whether bail is necessary or permissible for pretrial detainees depending on the circumstances of the charges.

e. Denial of Fair Public Trial.—While the constitution and the law provide for an independent judiciary, the judicial system often failed to provide fair or timely trials due to inefficiency, corruption, insufficient personnel and funds, and intimidation of judges, prosecutors, and witnesses. Most serious crimes were not investigated or punished. According to credible estimates, less than 3 percent of reported crimes were prosecuted, and fewer resulted in convictions. The UN-led International Commission Against Impunity in Guatemala (CICIG) estimated that perpetrators of homicides were convicted in only 7 percent of cases. Many high-profile criminal cases remained pending in the courts for long periods as defense attorneys employed successive appeals and motions.

There were numerous reports of corruption, ineffectiveness, and manipulation of the judiciary. Judges, prosecutors, plaintiffs, and witnesses also continued to report threats, intimidation, and surveillance. The special prosecutor for crimes against judicial workers received 129 cases of threats or aggression against workers in the judicial branch, compared with 125 in 2007.

As of October the Ministry of Government had assigned 30 police officers to CICIG to augment security, and the Public Ministry created a new CICIG-vetted unit of prosecutors working under the direct supervision of a senior CICIG prosecutor. At year's end CICIG continued its investigation of 15 high-profile cases, two prosecutions, and various cases involving killing of women, killings of bus drivers and assistants, trafficking in persons, and attacks against and killings of unionists and human rights defenders.

Judge Eduardo Cojulum of the Eleventh Court of First Instance reportedly received death threats throughout the year for his assistance in the Spanish national court case brought by Rigoberta Menchu, in collaboration with NGOs, against five retired military officers and two civilians for alleged human rights violations committed during the internal conflict.

On March 11, unknown assailants shot and killed Ingrid Judith Borrayo, a clerk in the Homicide Division of the Public Ministry, on a street near her office in Guatemala City. Hugo Rolando Toj, a PNC officer assigned to the Human Rights Division of the Ministry of Government, was also shot while walking with Borrayo and died days later in a hospital.

On May 8, two unidentified gunmen shot and killed Judge Jose Vidal Barillas Monzon, president of the Appeals Court of Retalhuleu, as he was driving near his residence. Judge Barillas had presided over cases involving organized crime, drug trafficking, and land disputes.

On July 14, unknown assailants shot and killed assistant homicide prosecutor Juan Carlos Martinez. Martinez was the chief prosecutor in the PARLACEN and Victor Rivera homicide cases.

There were credible reports of killings of witnesses. There were no known developments in the February 2007 killing of Dalia Evangelina Garcia Illescas, a witness in the murder trial of PNC officer Jorge Macario Mazariegos.

The Supreme Court of Justice continued to seek the suspension of judges and to conduct criminal investigations for improprieties or irregularities in cases under its jurisdiction. The Judicial Disciplinary Unit investigated 914 complaints of wrongdoing and held hearings for 398 complaints through October. The Supreme Court did not provide statistics on the resolution of these cases.

Prosecutors remained susceptible to intimidation and corruption and were often ineffective.

The judiciary consisted of the Supreme Court of Justice, appellate courts, trial courts, and probable-cause judges (with a function similar to that of a grand jury), as well as courts of special jurisdiction, including labor courts and family courts. There were 379 justices of the peace located throughout the country. Some of the justices specialized in administering traditional and indigenous law in community courts, which were under the jurisdiction of the Supreme Court of Justice. The Constitutional Court, which reviews legislation and court decisions for compatibility with the constitution, is independent of the rest of the judiciary.

At year's end the Public Ministry had 249 persons in its witness protection program. There were no new developments in the 2006 case in which a witness under police protection was killed at her home in Palencia.

Trial Procedures.—The constitution provides for the right to a fair public trial, the presumption of innocence, the right to be present at trial, and the right to counsel. The law provides for plea bargaining, the possibility of release on bail, and the right to an appeal. Three-judge panels render verdicts. The law provides for oral trials and mandates language interpretation for those needing it, in particular the large number of indigenous persons who are not fluent in Spanish. Inadequate government funding limited the effective application of this legal requirement. The Public Ministry utilized 18 interpreters nationwide, including in former conflict areas of the country, and the Office of the Public Defender employed 15 bilingual public defenders in locations where they could serve as translators in addition to defending clients.

The Public Ministry, semi-independent of the executive branch, may initiate criminal proceedings on its own or in response to a complaint. Private parties may participate in the prosecution of criminal cases as plaintiffs. Lengthy investigations and frequent procedural motions used by both defense and prosecution often led to excessively long pretrial detention, frequently delaying trials for months or years.

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

Civil Judicial Procedures and Remedies.—The law does not provide for jury trials in civil matters. The law provides for administrative and judicial remedies for alleged wrongs, including the enforcement of domestic court orders, but there were problems in enforcing such orders; some killings resulted from PNC failure to promptly enforce restraining orders.

Property Restitution.—On November 20, the president signed an agreement with leaders of the group of families that lost relatives during the Rio Negro massacres in the early 1980s, known as the Coordinator of the Communities Affected by the Construction of the Chixoy Dam. In the agreement the Government acknowledged “damages and violations” and accepted responsibility to provide reparations to families of the victims.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

On September 4, former chief of presidential security Carlos Quintanilla and former head of the Secretariat of Strategic Analysis (SAE) Gustavo Solano resigned from their posts following the alleged discovery of listening devices in the offices of the president and first lady. Two days later both men were indicted on charges of espionage and became fugitives. Quintanilla voluntarily surrendered to court officials on December 22 and at year's end was under preventive house arrest awaiting trial.

On November 18, unknown individuals broke into the home of Ruth del Valle, the presidential human rights commissioner. Del Valle denounced this invasion as a targeted attack in response to her human rights work. At year's end there were no new developments in the case.

At year's end there were no developments in the February 2007 break-in of the offices of the NGOs Human Rights Defenders Protection Unit, National Movement for Human Rights, and Association of Communication for Art and Peace.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and press, and the Government generally respected these rights in practice.

Although the independent media, including international media, operated freely, were active and expressed a wide variety of views without government restriction, there were reports that unknown actors frequently threatened and intimidated members of the media. At year's end the Special Prosecutor's Unit for Crimes Against Journalists and Unionists had received 35 complaints of attacks and other acts of intimidation against journalists, particularly in the provinces and including aggression by the PNC and the Transit Police. The Public Ministry reported 10 incidents of intimidation of journalists, compared with 11 during 2007. A September 10 report by the UN Development Program categorized the country as a “country of risk” for journalists, based on violence against the media and violations of freedom of expression.

In September Congress passed a law providing for a 66 percent reduction on import taxes on materials used by public television networks, a measure that reportedly exclusively benefitted businessman Angel Gonzalez, a Mexican national who has lived abroad for numerous years and who owns four frequencies to broadcast in the national open access television network. Congress subsequently passed a second measure, the Law of Televised Frequencies, which prohibits the two national open access frequencies not owned by Gonzalez from selling publicity to cover its expenses. Journalist Gustavo Berganza denounced both measures in opinion columns and claimed that Congress passed the measures in return for favorable coverage on Gonzalez's open access networks for the members of congress and political parties that supported the measures. Television channels owned by Gonzalez began broadcasting negative news reports on Berganza in what some civil society members called a slander campaign.

On May 10, an unknown assailant shot and killed Prensa Libre correspondent Jorge Merida Perez in his home in Coatepeque, Quetzaltenango. Merida had reported on corruption in the municipality of Coatepeque and the mayor's alleged connection to drug trafficking.

On July 18, Prensa Libre news correspondent Danilo Lopez reportedly received a death threat from the former governor of Suchitepequez, Leonor Toledo. Lopez had reported on corruption in the governor's office.

On July 27, unknown assailants fired shots into the home of Edin Rodelmiro Maaz Bol, news correspondent for Radio Punto in Coban.

There were no known developments, and none were expected, in the February 2007 case of the attempted killing of Nuestro Diario correspondent Wilder Jordan or in the investigation of the March 2007 anonymous death threats against the staff of Guatevision and their family members for Guatevision's coverage of the PARLACEN killings.

The Public Ministry reported that it had no further information regarding the 2006 wounding by gunshot of radio journalist Vinicio Aguilar.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that in 2007 approximately 10 percent of the population accessed the Internet.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Although the constitution and the law provide for freedom of assembly, and the Government generally respected these rights in practice, there were some allegations of unnecessary use of force or of inaction by the police during violent demonstrations. During the year, on three different occasions, the Government declared a state of prevention, which suspended freedom of assembly, the right to protest, and the right to bear arms in limited areas of the country: in May to restore order after truck drivers blocked highways in protest over restrictions on the hours when heavy trucks can enter Guatemala City; in June to end violent protests against the construction of a new cement factory in San Juan Sacatepequez; and in October to restore order when street vendors in Coatepeque violently protested police attempts to evict them from their informal market.

Freedom of Association.—The constitution and the law provide for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

On August 1, the Immigration Service again denied entry to Puerto Rican Jose Luis de Jesus Miranda, who claimed to be the Antichrist and planned to participate in a conference. Miranda's church was registered and recognized by the Government and continued operating in Guatemala City.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against persons for their religious beliefs or practices, and no reports of anti-Semitic acts. The Jewish population numbered approximately 2,000 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations.

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

Protection of Refugees.—The constitution and the law provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

During the year the Government received 20 requests for refugee status but did not accord temporary protection, asylum, or refugee status to anyone.

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

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage for those 18 years of age and older. Members of the armed forces and police are not permitted to vote.

Elections and Political Participation.—In November 2007 Alvaro Colom of the UNE party won a four-year term as president with approximately 53 percent of the vote. The Organization of American States' international observation mission characterized the elections as generally free and fair. Amnesty International reported an estimated 26 killings of political activists in the context of the election.

There were 20 women in the 158-seat Congress, two women on the Supreme Court of Justice, one woman on the Constitutional Court, and 197 women serving as judges. There was one woman in the 12-member cabinet. Six of the country's 332 mayors were women.

There was one indigenous cabinet member, one indigenous supreme court judge, 113 indigenous mayors, and approximately 20 indigenous members in Congress. On August 18, a prominent indigenous leader became head of the new Human Rights Office in the Ministry of Foreign Affairs.

Government Corruption and Transparency.—Government corruption was widely perceived to be a serious problem, with public surveys noting a lack of confidence in almost all government institutions, including those in the legislative and judicial branches. The World Bank's Worldwide Governance Indicators reflected that government corruption was a very serious problem. The Public Ministry continued to investigate corruption charges against former president Alfonso Portillo, former vice president Reyes Lopez, and other senior members of previous governments.

On August 6, President of Congress Eduardo Meyer of the governing UNE party resigned from office after acknowledging on June 9 that his private secretary, Byron Sanchez, had illegally transferred 82.8 million quetzales (\$11 million) of public funds to a private investment house, Mercado de Futuros (MDF). The Supreme Court stripped Meyer of his congressional immunity on October 22. Raul Giron, MDF's general manager and legal representative, fled after failing to meet a July 31 deadline to return the money. Giron voluntarily surrendered to court officials on August 22, and at year's end remained in a preventive detention center awaiting trial on charges of money laundering and fraud. The Public Ministry issued arrest warrants for Sanchez and former congressional chief financial officer Jose Conde, both of whom remained at large at year's end. Congressman and former president of congress Ruben Dario Morales allegedly received a 300,000-quetzal (\$39,000) commission from MDF in 2007 for investing congressional funds there. At year's end Meyer, under a court order, was restricted in his movements to Guatemala City. Meyer faced charges of embezzlement, mismanagement of public funds, and fraud and awaited a court date for trial.

On September 17, police found and arrested former congressman Hector Loaiza Gramajo, who had been in hiding since January 15 when he was stripped of his parliamentary immunity at the end of his term in office. Loaiza faced five charges, including money laundering, fraud, and tax evasion, for his alleged involvement in the theft of gasoline trucks in 2006.

On October 7, after more than four years of evading justice, Mexican authorities extradited former president Portillo (2000–04) to Guatemala to face corruption charges. Portillo had fled to Mexico in 2004 after being charged in several cases of official corruption. Within a few hours of his return to Guatemala, Portillo was released on bail of one million quetzales (\$129,366) on condition that he report to the court once a month and not leave the country.

Public officials who earn more than 8,000 quetzales (\$1,035) per month or who manage public funds are subject to financial disclosure laws. The Controller Gen-

eral's Office is responsible for oversight and enforcement of these laws. Lack of political will and rampant impunity facilitated government corruption.

The constitution provides for the right of citizens to access public information. On September 23, Congress passed the Free Access to Public Information Law, which regulates the provision of and facilitates access to information held by public institutions. The law covers all branches of government and requires all public and private entities that receive public funds to respond to public requests for information on their operations and administration of resources. The law also establishes sanctions for officials who obstruct public access to information.

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

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

On March 5, the Constitutional Court unanimously rejected the appeal of former president General Efraín Ríos Montt and affirmed the decision of an appeals court to declassify four military plans executed during the early 1980s at the height of the country's 36-year internal conflict. At year's end the Ministry of Defense was seeking a constitutional opinion on how to implement this decision.

In a November 26 decision, the Inter-American Court of Human Rights (IACHR) held the Government accountable for the 1990 forced disappearances of María Tiu Tojin and her daughter. The IACHR recognized that the Government had complied with some of its recommendations, including providing a letter of apology to the victims' family, the payment of 2,000,000 quetzales (\$259,000) to family members, and the construction of a monument in the victims' memory. The IACHR found, however, that the Government had not done enough to establish the identities of those responsible or to locate the victims' remains.

Many NGOs and human rights workers, as well as a number of trade unionists, reported threats or intimidation by unidentified persons, many with reputed links to organized crime, private security companies, and "social cleansing" groups, and complained that the Government did little to investigate these reports or to prevent further incidents.

In a preliminary report following her February visit, the UN special representative on human rights defenders expressed concern over the level of impunity and institutional weakness the country while acknowledging positive measures that provide greater protection to human rights defenders, such as the creation of a new analytical unit in the Ministry of Government to focus on attacks against human rights defenders.

UPDDDH highlighted the four cases below, among others, as examples of violence and intimidation against human rights defenders and urged the Government to take action to protect those who work to promote human rights. Investigations by the Public Ministry were pending at year's end.

On March 31, an unidentified gunman accosted a member of Bishop Alvaro Ramazzini's diocese and conveyed a death threat to the bishop through the diocese member. Bishop Ramazzini has supported rural communities in conflicts over land use.

On August 1, unidentified masked gunmen threatened to kill indigenous leader Amílcar Pop, president of the Guatemalan Association of Mayan Lawyers.

On August 7, unidentified assailants in Colotenango, Huehuetenango, shot and killed indigenous community leader Antonio Morales López. Morales, a member of the Committee of Peasant Unity, was an activist for indigenous rights, in particular defending natural resources and opposing mining projects in Huehuetenango. He had received death threats from local criminal groups.

On October 19, a family member of Norma Cruz, director of the Survivors Foundation, was abducted in Guatemala City by masked men in a vehicle, who drove him around and threatened him with death. They released him shortly after near the home of Cruz. An investigation by the Public Ministry was pending at year's end.

On April 24, the Government replaced Secretariat of Security and Administrative Affairs (SAAS) security details for private citizens, including human rights defenders, with PNC agents from the Division of Personal Protection. Human rights defenders receiving such protection included representatives of the Myrna Mack Foundation and the Guatemalan Forensic Anthropology Foundation (FAFG). During the year FAFG staff members and their family members continued to receive death threats. FAFG believed these threats were linked to the group's forensic exhumation work to identify victims of massacres of the internal armed conflict.

The Office of the Special Prosecutor for Human Rights opened several new cases involving anonymous telephone or written threats, physical assaults, and surveillance of workplaces, residences, and vehicular movements. The majority of such cases remained pending for lengthy periods without investigation or languished in the court system as defense attorneys filed successive motions and appeals to delay trials.

On June 2, a three-judge panel of the Court of First Instance sentenced Erwin Gudiel Arias to 20 years in prison for the August 2007 killing of Jose Emanuel Mendez Dardon, son of former congressman and human rights leader Amilcar Mendez. On October 1, an appeals court overturned the conviction and ordered a retrial based on deficiencies in the Public Ministry's investigation. At year's end Arias remained in custody pending the start of a new trial.

The resident Office of the UN High Commissioner for Human Rights assisted the Government in investigating various matters, including threats and other acts of intimidation against human rights advocates, land conflicts, and discrimination against indigenous persons. The Government cooperated with the office and other international organizations, including CICIG, and in September extended the office's mandate for another three-year term.

The human rights ombudsman (PDH), Sergio Morales, whom Congress reelected in 2007 to a second five-year term, reports to the Congress and monitors the human rights guaranteed by the constitution. The ombudsman's rulings do not have the force of law. The PDH operated without government or party interference, had adequate resources to undertake its duties, and had the Government's cooperation.

The ombudsman issued reports and recommendations that were made public, including its annual report to the Congress on the fulfillment of its mandate.

The President's Commission on Human Rights (COPREDEH), led by Ruth del Valle, is charged with formulating and promoting the Government's human rights policy, representing the Government on past human rights abuse cases before the IACHR, and negotiating amicable settlements in cases before the court. COPREDEH took a leading role in coordinating police protection for various human rights and labor activists throughout the year.

The Congressional Committee on Human Rights drafts and provides advice on legislation regarding human rights matters. By law all political parties represented in the Congress are required to have a representative on the committee. NGOs reported that they considered the committee to be an effective public forum for promoting and protecting human rights.

On August 18, the Ministry of Foreign Affairs created a new office to coordinate the country's human rights agenda with national institutions, multilateral organizations, and embassies; indigenous leader Francisco Cali Tzay headed the office.

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

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status. In practice the Government frequently did not enforce these provisions due to inadequate resources, corruption, and a dysfunctional judicial system.

Women.—Sexual offenses remained a serious problem. The law criminalizes rape, including spousal rape and aggravated rape, and establishes penalties between six and 50 years in prison. On April 9, Congress passed the Law Against Femicide and Other Forms of Violence Against Women, which establishes penalties for physical, economic, and psychological violence committed against women because of their gender. Prosecutors from the Special Unit for Crimes against Women noted that reports of rapes had decreased by 10.8 percent over the previous year. At year's end 37 cases of economic violence and 220 cases of sexual abuse and other forms of physical violence were reportedly under investigation since passage of the new law.

Police had minimal training or capacity for investigating sexual crimes or assisting victims of sexual crimes. The Government maintained the PNC Special Unit for Sex Crimes, the Office of Attention to Victims, the Office of the Special Prosecutor for Crimes against Women, and a special unit for trafficking in persons and illegal adoptions within the Special Prosecutor's Office for Organized Crime. Rape victims sometimes did not report the crime for lack of confidence in the justice system and fear of reprisals.

By year's end the prosecutor reported receiving 5,985 complaints of sexual crimes. The Government reported 237 convictions of sexual offenders. The Public Ministry did not provide data on average sentences and years of imprisonment.

Violence against women, including domestic violence, remained a common and serious problem. The law prohibits domestic abuse. On May 23, the Public Ministry inaugurated the "Comprehensive Model of Attention" project to coordinate legal,

psychological, and medical assistance to victims of domestic violence and sexual crimes.

The law provides for the issuance of restraining orders against alleged aggressors and police protection for victims, and it requires the PNC to intervene in violent situations in the home. In practice, however, the PNC often failed to respond to requests for assistance related to domestic violence. Women's groups commented that few officers were trained to deal with domestic violence or to assist victims.

The Institute of Public Criminal Defense continued to provide free legal, medical, and psychological assistance to victims of domestic violence. By year's end the project had attended to 10,506 cases of domestic violence.

According to press reports, the Program for Prevention and Eradication of Intrafamily Violence, a government program under the First Lady's Secretariat of Social Work, received 250 daily calls from battered women and children via its three emergency hotlines. At year's end the Public Ministry reported that it received more than 12,269 complaints of violence against women and children, including domestic violence, economic violence, and sexual crimes, and prosecuted 352 cases, with convictions reached in 283 cases.

Justices of the peace issued an unspecified number of restraining orders against domestic violence aggressors and ordered police protection for victims. Full investigation and prosecution of domestic violence and rape cases usually took an average of one year. Although the law affords protection, including shelter, to victims of domestic violence, in practice there were insufficient facilities for this purpose.

The Office of the Ombudsman for Indigenous Women within COPREDEH provided social services for victims of domestic or social violence, as well as mediation, conflict resolution, and legal services for indigenous women. The office also coordinated and promoted action by government institutions and NGOs to prevent violence and discrimination against indigenous women but lacked human resources and logistical capacity to perform its functions on a national level. There were no firm statistics available on the number of cases the office handled.

There were 18 prosecutions of killings of women in Guatemala City in 2007. Few prosecutions resulted in convictions. At year's end there were no updated figures available for 2008.

The Ministry of Government continued to operate eight shelters for victims of abuse in departments with the greatest incidence of domestic violence. The centers provided legal and psychological support and temporary accommodation. On November 25, the Guatemalan Institute of Public Criminal Defense inaugurated a hotline to assist female victims of physical violence.

Although prostitution is legal, procuring and inducing a person into prostitution are crimes that can result in fines or imprisonment, with heavier penalties if minors are involved. Trafficking in women and minors, primarily for the purpose of prostitution, is illegal and was a widely recognized problem.

The law does not prohibit sexual harassment, and there were no accurate estimates of its incidence. Human rights organizations reported, however, that sexual harassment was widespread, especially in industries in which the workforce was primarily female, such as the textile and apparel sectors; it was also a problem in the police force. On September 21, a woman was named to head the PNC for the first time in the organization's history. While the law establishes the principle of gender equality, in practice women faced job discrimination and were less likely to hold management positions.

Women were employed primarily in low-wage jobs in agriculture, retail businesses, the service sector, the textile and apparel industries, and the Government and were more likely than men to be employed in the informal sector, where pay and benefits generally were lower. Women may legally own, manage, and inherit property on an equal basis with men, including in situations involving divorce.

The Government's Secretariat for Women's Affairs advised President Colom on interagency coordination of policies affecting women and their development. The secretariat's activities included seminars, outreach, and providing information on discrimination against women.

A women's shelter, inaugurated in 2007 in Guatemala City for victims of violence, continued to operate during the year and had the capacity to house 20 victims and their families for six months at a time.

Children.—The Government devoted insufficient resources to ensure adequate educational and health services for children.

The UNHCR reported that there were problems in registering births, especially in indigenous communities, due to inadequate government registration and documentation systems. Cultural factors, such as the need to travel to unfamiliar urban areas and interact with nonindigenous male government officials, at times inhibited

indigenous women from registering themselves and their children. Lack of registration sometimes restricted children's access to public services.

Although the constitution and the law provide for free, compulsory education for all children up to the ninth grade, less than half the population over the age of 13 had completed primary education. The Ministry of Education reported that in 2007, 42 percent of children who entered first grade completed sixth grade, and 45 percent of those entering seventh grade completed the ninth grade. Completion rates were lower in rural and indigenous areas. While the average nonindigenous child from seven to 17 years of age had received 4.4 years of schooling, indigenous children of the same age range had received an average of 3.7 years, according to the National Statistics Institute's (INE) 2006 National Survey of Life Conditions (ENCOVI) report.

Child abuse remained a serious problem. The Special Prosecutor's Office for Women, Unit of Adolescent and Child Victims, investigated cases of child abuse. It achieved 45 convictions in the 57 child abuse cases it opened between January and December. The Social Secretariat for the Welfare of Children, with oversight for children's treatment, training, special education, and welfare programs, provided shelter and assistance to children who were victims of abuse but sometimes placed children under its care in shelters with juveniles who had criminal records. Due to an overwhelmed and underfunded public welfare system, as of the end of September the Government had referred 245 minors to the NGO Casa Alianza, out of a total of 430 cases that the organization handled. Casa Alianza provided vocational training, social and psychological support, and temporary shelter for street children and child victims of abuse.

Authorities investigated and prosecuted numerous cases of abduction or purchase of children for purposes of offering them for adoption. For example, on October 1, Karen Evelyn Velasquez Garcia and Gloria Elizabeth Giron were arrested during police raids in Mixco and Guatemala City for their alleged involvement in the sale and purchase of minors. Authorities charged that Velasquez was involved in the sale of at least three children for adoption through the Internet, including a child whom she delivered to Panama.

Child prostitution remained a problem.

In collaboration with Casa Alianza, the Government conducted 15 rescue operations through the end of September, resulting in the rescue of 24 sexually exploited minors under age 18. The authorities referred the rescued minors for protection and attention to Casa Alianza. The Government referred 245 additional cases to Casa Alianza. Through the end of September, Casa Alianza had handled 24 cases of sexually exploited minors and continued attending to 64 cases from previous years. The Secretariat of Social Welfare handled 504 child protection cases, including cases of sexually exploited minors. Of the 88 cases referred to Casa Alianza, government authorities detained seven alleged perpetrators, six of whom were later released pending trial.

Casa Alianza estimated that there were more than 3,000 street children in Guatemala City. Most street children had left home after being abused. Casa Alianza reported that increased gang recruitment decreased the number of street children in the capital because after joining gangs, street children often lived with fellow gang members. GAM reported that 105 minors suffered violent deaths nationwide during the year. Criminals often recruited street children for purposes of stealing, transporting contraband, prostitution, and illegal drug activities. Credible estimates put the number of children who were members of street gangs at 3,000 nationwide. NGOs dealing with gangs and other youth reported concerns that street youth detained by police were subject to abusive treatment, including physical assaults.

The Government operated a shelter for girls in Antigua and a shelter for boys in San Jose Pinula. Two other shelters in Quetzaltenango and Zacapa served both boys and girls. The Government devoted insufficient funds to its shelters, and governmental authorities often preferred to send juveniles to youth shelters operated by Casa Alianza and other NGOs. The Government provided no funding assistance for shelter costs to these NGOs. Security authorities incarcerated juvenile offenders at separate youth detention facilities.

Trafficking in Persons.—While the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, through, and within the country. The law criminalizes all forms of trafficking, defines the categories of persons responsible for trafficking offenses, and establishes prison terms of six to 12 years for persons found guilty of trafficking. The Government reported that trafficking was a significant problem.

The country was a source, transit, and destination country for citizens and other Central Americans trafficked for purposes of commercial sexual exploitation and forced labor.

Women and children were trafficked within the country for sexual exploitation; children were also trafficked for labor exploitation, including for begging rings in Guatemala City, but there were no reliable estimates on the extent of the problem. The NGO End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes (ECPAT) reported that children between the ages of eight and 14 were sold for 750 to 1,500 quetzals (\$97 to \$194) to work in various economic activities, but primarily for sexual exploitation. According to ECPAT, the incidents of trafficking in persons and the sale of children for sexual exploitation likely increased due to higher unemployment rates and increasing numbers of individuals living in extreme poverty.

Trafficking was particularly a problem in towns along the country's borders. Child migrants who did not cross the border into Mexico often remained in the country and resorted to or were forced into prostitution. Many women and children also were brought into the country from El Salvador, Nicaragua, and Honduras by organized rings that forced them into prostitution. The primary target groups for sexual exploitation were girls and young women from poor families.

Trafficking organizations ranged from family businesses to highly organized international networks. Brothel owners often were responsible for transporting and employing victims of trafficking. Traffickers frequently had links to other organized crime, including drug trafficking and migrant smuggling.

Traffickers often approached individuals with promises of economic rewards, jobs in cafeterias or beauty parlors, or employment in other countries. They used flyers, newspaper advertisements, and verbal or personal recommendations.

The Public Ministry operated a special unit within the Prosecutor's Office of Organized Crime to investigate and prosecute trafficking. A task force, which included the Public Ministry, immigration authorities, PNC, and Casa Alianza, conducted an unspecified number of raids on bars and other commercial establishments.

The PNC and Public Ministry units responsible for combating trafficking were severely understaffed and underfunded. At year's end the Public Ministry's Special Unit Against Trafficking in Persons received and investigated 136 trafficking cases, compared with 51 during the first seven months of 2007. During the year the Public Ministry prosecuted and the courts sentenced one person for trafficking offenses.

There were credible reports that some police and immigration service agents were complicit in trafficking of persons. ECPAT reported that some minor victims of trafficking claimed immigration officials took bribes from traffickers, gave the victims falsified identification papers, and allowed them to cross borders. There were credible reports that brothel owners allowed police and immigration officials to have sex with minor victims without charge. Casa Alianza reported that business owners of massage clubs and other establishments that sexually exploited adolescents had good relations with some government authorities who warned these businesses of upcoming police raids.

The Government's Secretariat for Social Welfare operated shelters in Antigua, San Jose Pinula, Quetzaltenango, and Zacapa that housed victims of trafficking and offered social services, job training, and counseling. During the year the NGO shelter Casa del Migrante assisted 49 victims of trafficking in persons, including four cases involving minors.

Immigration officials generally deported foreign adult trafficking victims and did not treat them as criminals. Immigration officials deported an unspecified number of women found during bar raids back to Honduras, Nicaragua, and El Salvador. Victims were not prosecuted and were not required to testify against traffickers.

The Interagency Commission to Combat Trafficking in Persons and Related Crimes, headed by the Ministry of Foreign Affairs and including representatives of the executive, legislative, and judicial branches, as well as NGOs and international organizations, coordinated initiatives to combat trafficking.

The Government gave increased attention to rescuing minors from commercial sexual exploitation in bars, brothels, and other establishments. The minors were referred to Casa Alianza, which provided shelter, medical treatment, psychological counseling, and job training. Other NGOs provided similar services and, along with Casa Alianza, lobbied for legislation, protection of victims, and prevention of trafficking.

The country cooperated with Mexico to assist victims. This cooperation included ensuring that the repatriation of trafficking victims was handled separately from deportations. The country had repatriation agreements for minor victims of trafficking with El Salvador, Nicaragua, Honduras, Costa Rica, and Panama.

The Public Ministry worked with ECPAT to train government officials on crimes of sexual and commercial exploitation with an emphasis on trafficking of children. ECPAT provided numerous courses to more than 320 government officials nationwide, including to all employees of the National Tourism Institute.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution contains no specific prohibitions against discrimination based on physical disability in employment, education, access to health care, or the provision of other state services. The law, however, mandates equal access to public facilities and provides some other legal protections. In many cases persons with physical and mental disabilities did not enjoy these rights, and the Government devoted few resources to combat this problem.

There were minimal educational resources for those with special needs, and the majority of universities were not made accessible to persons with disabilities. The National Hospital for Mental Health, the principal health-care provider for persons with mental illness, lacked basic supplies, equipment, hygienic living conditions, and adequate professional staffing. The National Council for the Disabled, composed of representatives of relevant government ministries and agencies, met regularly to discuss initiatives, had a budget of 5.5 million quetzales (\$712,000), and estimated that there were 1.2 million persons with disabilities in the country.

Indigenous People.—Indigenous persons from 22 ethnic groups constituted an estimated 43 percent of the population. In addition to the many Mayan communities, there were also the Garifuna, descendants of Africans brought to the Caribbean region as slaves who intermarried with Amerindians, and the indigenous Xinca community. The law provides for equal rights for indigenous persons and obliges the Government to recognize, respect, and promote their lifestyles, customs, traditions, social organization, and manner of dress.

Although some indigenous persons attained high positions as judges and government officials, they generally were underrepresented in politics and remained largely outside the country's political, economic, social, and cultural mainstream due to limited educational opportunities, poverty, lack of awareness of their rights, and pervasive discrimination. While the indigenous population increased its political participation, some civil society representatives questioned whether such participation had resulted in greater influence in the national political party structure.

The NGO Human Rights First noted a tendency to criminalize social movements, especially community mobilizations against large-scale industrial projects that would negatively impact the livelihood of their community. Several indigenous community members of San Juan Sacatepequez have been arrested over the past few years because of their opposition to the construction of a cement factory. In July authorities issued arrest warrants for eight individuals as a result of a dispute between a landowner and a mining company, the second time in 18 months that residents opposed to the mine were targeted for arrest. At year's end there were no new developments in the case.

According to INE's 2006 ENCOVI report, 51 percent of the population lived in poverty. Of those living in poverty, 56 percent were indigenous.

Rural indigenous persons had limited educational opportunities and fewer employment opportunities. Many of the indigenous were illiterate, and approximately 29 percent did not speak Spanish, according to INE's 2006 ENCOVI report. More than 50 percent of indigenous women over the age of 15 were illiterate, and a disproportionate number of indigenous girls did not attend school. According to the Ministry of Education, 76,232 preschool- and kindergarten-age indigenous children were enrolled in Spanish-indigenous language bilingual education programs.

The Department of Indigenous People in the Ministry of Labor, tasked with investigating cases of discrimination and representing indigenous rights, counseled indigenous persons on their rights. This department had a budget of 40,000 quetzales (\$5,175), only four employees, and insufficient resources to investigate discrimination claims.

Legally mandated court interpreters for criminal proceedings were rarely available, placing indigenous persons arrested for crimes at a disadvantage due to their sometimes limited comprehension of Spanish. There was one indigenous supreme court judge, and there were 114 judges who spoke Mayan languages among the 561 tribunals in the country. There were 84 court interpreters, including 44 bilingual Mayan speakers, and the Supreme Court of Justice reported that the judicial system had 907 employees who spoke indigenous languages. However, in many instances bilingual judicial personnel continued to be assigned to areas where their second language was not spoken.

Other Societal Abuses and Discrimination.—The law does not criminalize homosexuality or expressly include sexual orientation among the categories prohibited from discrimination. There was social discrimination against gay, lesbian, and transgender persons. Homosexual rights support groups alleged that members of the police regularly waited outside clubs and bars frequented by sexual minorities and demanded that patrons and persons engaged in commercial sexual activities provide protection money. Due to a lack of trust in the judicial system and out of fear of further persecution or social recrimination, victims were unwilling to file complaints.

The law does not expressly include HIV status among the categories prohibited from discrimination, and there was social discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—While the law provides for freedom of association and the right to form and join trade unions, in practice enforcement remained weak and ineffective. Workers continued to live under threat from their employers, and labor unions were weakened by lack of enforcement of labor and employment laws and violence against unionists and worker activists. Local and international unions and labor rights advocacy groups reported a significant increase in the number of killings of trade union activists and their family members compared with previous years, and they criticized the Government's application of antiterrorism regulations against unions and trade unionists.

UPDDDH reported that at year's end 47 trade unionists had been attacked and three killed by unknown assailants. It was generally difficult to identify motives for killings, since most killings, including killings of labor leaders, were not well investigated and went unprosecuted. Local unions urged investigation of the killings of these unionists and called for increased security for union leaders and members. A petition filed under the Central American Free Trade Agreement involving six local unions alleged that the Government failed to effectively enforce its labor laws with regard to freedom of association, the right to organize and bargain collectively, and acceptable conditions of work in five cases. A review of the petition found that despite several recent efforts by the Government to improve enforcement of labor laws, significant weaknesses in the Government's ability to enforce its labor laws remained.

On March 2, armed assailants killed Miguel Angel Ramirez Enriquez after forcibly entering his home. Ramirez was one of the founders of the SITRABANSUR (Union of Banana Workers of the South). Four months after its founding, the union was formally recognized in November 2007. According to SITRABANSUR, company management received a list of names of all the workers who had participated in the formation of the union and, through its private security, reportedly threatened the members at work and at home. At the end of November, they were fired. Ramirez was among the workers pressured to sign a letter of resignation. An investigation by the Public Ministry was pending at year's end.

On April 29, Carlos Enrique Cruz Hernandez, an active member of SITRABI (Union of Banana Workers of Izabal), was killed at his workplace. Two unidentified persons reportedly entered the area where he was having lunch and fired shots. The killing occurred just one week after the union's April 23 meeting with the Ministry of Government to complain that armed, masked assailants had intimidated and threatened another SITRABI member, Danilo Mendez. An investigation by the Public Ministry was pending at year's end.

On June 8, an unknown assailant shot and seriously injured Freddy Morales Villagran, a member of the Consultative Council of the Peten Distributor Employees Union. Villagran died from his injuries a few weeks later. The attack occurred amid the union's attempts to be recognized by the Castillo Brothers Company, to obtain reinstatement of allegedly illegally dismissed union leaders and members, and to challenge the company's efforts to dissolve the company.

On August 7, two unidentified assailants in Puerto Barrios, Izabal, shot and killed Edvin Portillo, treasurer of the Pension Administration Board and member of the port workers union of the National Santo Tomas Port Company. Portillo had reportedly been collecting signatures for a petition, which workers were to present on the day of the killing, opposing the new assistant to the deputy director of maritime operations. A Public Ministry investigation was pending at year's end. With the exception of members of the security forces, all workers have the right to form or join unions, but only 8 percent of the formal sector workforce was unionized.

Labor leaders reported receiving death threats and being targets of other acts of intimidation. A three-prosecutor Special Prosecutor's Unit for Crimes Against Journalists and Unionists within the Office of the Special Prosecutor for Human Rights

accepted several new union-related cases during the year. There was one conviction for a crime against a trade unionist. Organized labor viewed the restructuring of the Special Prosecutor's Unit for Crimes Against Journalists and Unionists as reflecting a reduced commitment to prosecuting crimes against unionists. On November 6, the Ministry of Labor reactivated the Interagency Commission on Labor Relations, which was created in 2003 to investigate cases of violence against unionists.

There were no known developments in the following cases from 2007: the killing in January of Pedro Zamora, Secretary General of the Dock Workers Union of Puerto Quetzal; the killings in February of street vendors Walter Anibal Ixcaquic Mendoza and Norma Sente de Ixcaquic, members of the Sixth Avenue Union of the National Front of Vendors of Guatemala; and the killing in September of Marco Tulio Ramirez Portela, a SITRABI leader and brother of SITRABI Secretary General Noe Ramirez.

As of early December, the Ministry of Labor granted legal status to 53 new labor unions, compared with 36 in 2007. Most of the new unions were small unions in the provinces, primarily in the agricultural or municipal sector. Although there were 1,882 legally registered labor unions, 597 appeared to be active at year's end based on administrative registration records.

At year's end an active "Solidarismo" (solidarity association movement) claimed to have 83 associations with approximately 30,000 members, and 90 independent associations with approximately 50,000 members. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to choose between them or to belong to both. Although the law stipulates that trade unions have an exclusive right to negotiate work conditions on behalf of workers, unions asserted that management promoted solidarity associations to discourage the formation of trade unions or to compete with existing labor unions.

Workers have the right to strike, but due to the low level of unionization and procedural hurdles, there were only two legal strikes, according to the judicial branch's statistical department. However, teachers, health-care workers, farm workers, and other labor groups organized and participated in various protests, marches, and demonstrations throughout the year.

The law empowers the president and his cabinet to suspend any strike deemed "gravely prejudicial to the country's essential activities and public services." Workers in the essential services and public services sectors can address grievances by means of mediation and arbitration through the Ministry of Labor's General Inspectorate of Labor and also directly through the labor courts. Employers may suspend or fire workers for absence without leave if authorities have not recognized a strike as legal. The law calls for binding arbitration if no agreement is reached after 30 days of negotiation. The law prohibits employer retaliation against strikers engaged in legal strikes. Organized labor protested the use of national security interests and emergency situation arguments by the Government to enjoin what they considered "legal" strikes, such as the truck drivers' protest in the spring and demonstrations by teachers and health-care workers. It criticized arrests, incarcerations, and fines imposed against protesters and regarded such actions as violations of the International Labor Organization (ILO) conventions on the right to strike.

The 2008 International Trade Union Confederation's (ITUC) annual survey found insufficient labor inspections, a weak judicial system, and impunity. The survey reported that, according to workers, the inspectors were more likely to persuade them to renounce their rights than seek to protect them and often gave employers advance warning of their visits. The labor courts had a backlog of applications for the reinstatement of workers, and cases can last more than ten years. Employers tended to ignore court rulings, and courts did not take action to ensure that their decisions were respected. An ILO technical assistance mission in April concluded that the Ministry of Labor was very weak and was made even more so since a 2004 ruling by the Constitutional Court that it cannot impose sanctions on employers for violations of labor laws.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference. The Government sought to protect this right in practice but had limited means to do so. The law requires that union members approve a collective bargaining agreement by simple majority. Although workers have the right to organize and bargain collectively, the small number of unionized workers limited the practice of organizing and bargaining.

Most workers, including those organized in trade unions, did not have collective contracts documenting their wages and working conditions, nor did they have individual contracts as required by law. This was largely due to the combination of employer-supported unions, illegal terminations or layoffs of union members, refusal to honor court reinstatement orders or rulings requiring the employer to negotiate

with recognized unions, and threats and manipulations of subcontracted workers (i.e., threats not to renew a contract or offer permanent employment if the worker joins a union or refuses to disaffiliate).

The Ministry of Labor reported that there were 27 new collective bargaining agreements, including agreements reached with the teachers and health-care workers unions during the year. These agreements were reached after years of negotiations and after numerous teachers' demonstrations throughout the country.

The ILO's Committee of Experts' (COE) observations identified violations of collective bargaining agreements, acts of employer interference, acts of antiunion discrimination, and a very low number of government sanctions issued for labor violations.

Legal recognition of a new industry-wide union requires that the membership constitute 50 percent-plus-one of the workers in an industry. The COE stated that this requirement restricts the free formation of unions. Labor rights activists considered this number to be a nearly insurmountable barrier to the formation of new industry-wide unions, effectively eliminating the possibility for workers to exercise the right to negotiate and formally engage employers at an industry level.

Enforcement of legal prohibitions on retribution for forming unions and for participating in trade union activities was weak. Many employers routinely sought to circumvent legal provisions for union organizing by resisting union formation attempts or by ignoring judicial orders to enforce them. Inadequate penalties for violations and an ineffective legal system to enforce sanctions continued to undermine the right to form unions and participate in trade union activities.

Increased violence and insecurity further undermined the ability of workers to freely exercise their labor rights. Local unions reported increased incidences of fraudulent bankruptcies, ownership substitution, and reregistration of companies by employers seeking to circumvent their legal obligation to recognize newly formed or established unions. Government institutions continued to tolerate these practices. The delay in processing legal complaints, from submission to final resolution, resulted in immunity for employers.

There were credible reports of retaliation by employers against workers who tried to exercise internationally recognized labor rights. Common practices included termination and harassment of workers who attempted to form workplace unions, creation of illegal company-supported unions to counter legally established unions, blacklisting of union organizers, threats of factory closures, refusal to permit labor inspectors to enter facilities to investigate worker complaints, and refusal to honor decisions made by labor tribunals in favor of workers, including reinstatement of wrongfully dismissed union organizers.

The law requires employers to reinstate workers dismissed illegally for union organizing activities. In practice employers often failed to comply with reinstatement orders. During the year workers who suffered illegal dismissal won 571 court injunctions ordering reinstatement. Appeals by employers, along with legal recourse such as reincorporation as a different entity, often prolonged reinstatement proceedings. The labor courts rarely dismissed frivolous cases or appeals, did not operate in a timely manner, and did not ensure enforcement of their decisions. According to labor ministry officials, authorities rarely sanctioned employers for ignoring legally binding court orders. Employers often failed to pay the full amount of legally required severances to workers.

Local unions increasingly highlighted and protested the violations of employers who failed to pay the employer and employee contributions to the national social security system despite employee contribution deductions from workers' paychecks. These violations, particularly common in the private sector and export industries, resulted in limiting or denying employees access to the public health-care system and reductions to or underpayment of workers' pension benefits during their years of retirement.

There were no special laws or exemptions from regular labor laws in the 16 active export processing zones (EPZs) and within the garment factories that operated under an EPZ-like regime. Due to inadequate enforcement of labor laws and often illegal measures taken by employers to prevent the formation of new unions or undermine existing unions, there were few successes in organizing workers in EPZs and in the garment sector. Some factories closed and then reopened under a new name and with a new tax exemption status. Of the 216 companies operating in the EPZs, only two had recognized trade unions, and none had a collective bargaining agreement. SitraCima and SitraChoi, two garment sector trade unions, were essentially eliminated through allegedly illegal employer actions and government inaction in enforcing labor, employment, and bankruptcy laws. The Government did not regularly conduct labor inspections in the EPZs, and there were systemic violations of wage and hour laws, mandatory overtime at nonpremium pay, terminations of work-

ers who tried to form unions, withholding of social security payments, and illegal pregnancy testing. The COE observations identified as a problem the requirement of pregnancy tests in some workplaces as a condition to obtain and retain employment.

c. Prohibition of Forced or Compulsory Labor.—While the constitution and the law prohibit forced or compulsory labor, including by children, women and increasingly minors were trafficked for the purpose of sexual exploitation. Organized labor equated mandatory overtime practices, which were commonplace in the private sector, particularly in the export sectors, to forced or compulsory labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law bars employment of minors under the age of 14 without written permission from parents or the Ministry of Labor, child labor was a widespread problem. The law prohibits persons under the age of 18 from work in establishments where alcoholic beverages are served, from work in unhealthy or dangerous conditions, and from night work and overtime work. The legal workday for persons younger than 14 is six hours, and for persons 14 to 17 years of age, seven hours. Despite these protections, child laborers worked on average in excess of 45 hours per week.

The majority of child labor takes place in rural indigenous areas where economic necessity forced children to supplement family income. According to INE's 2006 ENCOVI report, the latest available, an estimated 528,000 children had to work to survive. Child labor was common in export industries. The informal and agricultural sectors regularly employed children below 14 years of age, usually in small family enterprises. There were credible reports that child labor was used in food processing, fresh produce, and flower production companies, as well as the gravel and pyrotechnic industries. The Ministry of Labor estimated that approximately 3,700 children were illegally employed in fireworks production.

The Government did not effectively enforce laws governing the employment of minors. The situation was exacerbated by the weakness of the labor inspection and labor court systems. While in exceptional cases, the Labor Inspectorate may authorize children under the age of 14 to work, the Ministry of Labor has made a commitment, in accordance with ILO Convention 182 on the Worst Forms of Child Labor, not to provide such authorizations. In keeping with this commitment, the Labor Inspectorate reported that it had not made any such authorizations by year's end.

The COE observations expressed deep concern about the situation of children under 14 years compelled to work in the country, noted that it appeared very difficult to apply in practice the national legislation on child labor, and encouraged the Government to step up efforts to improve the situation of child laborers under age 14.

The ILO's International Program on the Elimination of Child Labor continued operating programs to combat commercial sexual exploitation of children by assisting the Government and local organizations to strengthen legislation, policies, and programs.

The Child Worker Protection Unit within the Ministry of Labor is charged with enforcing restrictions on child labor and educating minors, their parents, and employers on the rights of minors in the labor market. The Government devoted insufficient resources to prevention programs, but Guatemala City's municipal administration managed several small programs that offered scholarships and free meals to encourage families to send to school children who had formerly worked in the broccoli, coffee, gravel, and fireworks industries.

e. Acceptable Conditions of Work.—The law sets national minimum wages for agricultural and nonagricultural work and work in garment factories. The daily minimum wage was 52 quetzales (\$6.73) per day for agricultural and nonagricultural work and 47.75 quetzales (\$6.18) per day for work in garment factories.

The minimum wage did not provide a decent standard of living for a worker and family. The National Statistics Institute estimated that the minimum food budget for a family of five was 1,976.05 quetzales (\$256) per month, 18.85 percent higher than in 2007. Labor representatives noted that even where both parents worked, the minimum wage did not allow the family to meet its basic needs.

Noncompliance with minimum wage provisions in the informal sector was widespread. The Ministry of Labor conducted inspections to monitor compliance with minimum wage provisions, but the Government allocated inadequate resources to enable inspectors to enforce the minimum wage law adequately, especially in the very large informal sector. Advocacy groups focused on rural sector matters estimated that more than half of workers in rural areas who engaged in day-long employment did not receive the wages, benefits, and social security allocations required by law. According to credible estimates, between 65 and 75 percent of the workforce

continued to work in the informal sector and outside basic protections afforded by the law.

The legal workweek is 48 hours with at least one paid 24-hour rest period, although in certain economic sectors workers continued to operate under a tradition of longer work hours. Daily and weekly maximum hour limits did not apply to domestic workers. Time-and-a-half pay was required for overtime work. Although the law prohibits excessive compulsory overtime, trade union leaders and human rights groups charged that employers forced workers to work overtime without legally mandated premium pay. Management often manipulated employer-provided transportation to force employees to work overtime, especially in EPZs located in isolated areas with limited transportation alternatives. Labor inspectors reported uncovering numerous instances of overtime abuses, but effective enforcement was undermined due to inadequate fines, inefficiencies in the labor court system, and employers' refusals to permit labor inspectors into their facilities or provide access to payroll records and other documentation.

Labor courts have responsibility for sanctioning employers found violating labor laws. Labor inspectors are not empowered to adopt administrative measures or to impose fines for labor violations. The labor courts received 1,619 cases from the Labor Inspectorate and ruled in favor of reinstatement of the worker in 571 cases. Court decisions favorable to workers, however, were rarely enforced due to frequent refusals by employers to honor these decisions. Management or persons hired by management reportedly continued to harass and make death threats against workers who did not accept employer dismissals or refused to forfeit their right to reinstatement.

The Government sets occupational health and safety standards, which were inadequate and poorly enforced. When serious or fatal industrial accidents occurred, the authorities often failed to investigate fully or assign responsibility for negligence. Employers rarely were sanctioned for failing to provide a safe workplace. Legislation requiring companies with more than 50 employees to provide onsite medical facilities for their workers was not enforced. Workers have the legal right to remove themselves from dangerous work situations without reprisal. Few workers, however, were willing to jeopardize their jobs by complaining about unsafe working conditions.

GUYANA

The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 760,000. President Bharrat Jagdeo was reelected to a second full term in 2006 elections considered generally free and fair by international observers. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in some areas. The most significant reported abuses included potentially unlawful killings by police, mistreatment of suspects and detainees by the security forces, poor prison and jail conditions, lengthy pretrial detention, government corruption, and sexual and domestic violence against women and children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings. The constitution broadly defines justifiable use of lethal force; however, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that both the Guyana Police Force (GPF) and the Guyana Prison Service committed unlawful killings. The Police Complaints Authority (PCA) received eight complaints of unlawful killings compared with nine the previous year. In most cases the police reportedly shot the victims while attempting to make an arrest or while a crime was being committed.

On July 3, prison officials allegedly beat and tortured inmate Edwin Niles, who later died from his injuries. On September 19, authorities charged senior prison officials Kurt Corbin and Gladwin Samuels with manslaughter in Niles's death, and the case was pending at year's end.

On July 26, prison inmate Nolan Noble died from blunt force trauma to the head in circumstances that remained unclear; a police investigation continued at year's end.

On October 20, police detainee James Nelson died after being beaten. On December 4, the PCA stated that the available evidence did not clarify the circumstances of his death, and called for an inquest to be conducted.

On September 22, the preliminary inquiry into the alleged February 2007 killing of Clifton Garraway by police officer Clement Bailey concluded; the depositions were forwarded to the Director of Public Prosecutions (DPP) for a recommendation on criminal charges.

In the September 2007 shooting death of Donna Herod, a coroner's inquest began on November 10 and continued at year's end.

On August 28, police shot and killed two of the suspects in the 2006 murder of Minister of Agriculture Satyadeow Sawh. Four other suspects remained at large at year's end.

There were two incidents of extreme violence involving at least one criminal gang. On January 26, 15 to 20 heavily armed individuals attacked several houses in the Lusignan neighborhood, killing 11 persons, including five children. On February 17, a similar number of heavily armed criminals raided the town of Bartica on the Essequibo River, killing 12 persons, including three police officers. In June police confronted and killed three of the suspected gang members. On August 28, police killed the gang's leader, Rondell Rawlins, who was also the suspected mastermind of both attacks. Three other persons were charged with murder for the Bartica killings, and three persons (including a 14-year-old boy) were charged with murder for the Lusignan killings.

Rondell Rawlins's gang was also implicated in the June 21 killing of eight miners in a remote mining camp along the Berbice River, although the camp owner and some media reports suggested that government security personnel had been responsible.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, although there was one confirmed report of its use by prison officials. Numerous allegations circulated that more prison inmates were tortured. There were also allegations of police abuse of suspects and detainees.

In April the Guyana Defense Force (GDF) concluded its investigation and submitted a report to the Defense Board concerning the December 2007 physical abuse of two soldiers during an interrogation. In November the GDF Commander asserted that the GDF members involved in the incident had been disciplined, but did not identify the individuals or the penalties imposed. Despite promises to do so, the Government refused to release the report's contents to the public. However, a local media outlet claimed it obtained a leaked copy of the report and quoted sections that implied the infliction of severe pain or suffering on the accused. The Government did not investigate separate allegations made by three civilians in 2007 that they also were victims of torture carried out by GDF officers.

During the year the PCA received 29 complaints of unlawful arrest and 15 complaints of unnecessary use of violence.

Prison and Detention Center Conditions.—Prison and jail conditions were poor and deteriorating, particularly in police holding cells. Capacity and resource constraints were a problem. The Prison Authority reported that there were 2,100 prisoners in five facilities, more than half of whom were in Georgetown's Camp Street Prison, which was designed to hold 610 inmates but held 1,100. Overcrowding at the Camp Street Prison was in large part due to backlogs of pretrial detainees, which constituted approximately 60 percent of its total population.

Conditions in the country's four smaller prisons also reportedly deteriorated. Some prison officers received basic medical training, but no doctor regularly visited the prisons.

All newly hired prison guards received limited human rights training from the GHRA, but the Government made no provision for reinforcement training beyond this initial stage.

Although sanitary and medical conditions in police holding facilities varied, overall these conditions were worse than those in the prisons. Some jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were inadequate; friends and relatives routinely had to bring detainees food and water. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial action on their cases.

Juvenile offenders ages 16 and older were held with the adult prison population. Juvenile offenders ages 15 and younger were held in the New Opportunity Corp (NOC), a juvenile correctional center that offered primary education, vocational training, and basic medical care. Problems at the NOC included lax security and understaffing. There were complaints that juvenile runaways, or those out of their guardians' care, were placed with juveniles who had committed crimes, with the result that some petty offenders became involved in more serious criminal activity.

Since there were no facilities in Georgetown to hold female offenders ages 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 94 female inmates in the women's prison located in New Amsterdam. Due to inadequate facilities, juvenile female pretrial detainees were sometimes held with adult female pretrial detainees.

The Prison Authority offered rehabilitation programs focused on vocational training and education; however, such programs did not adequately address the needs of prisoners with substance abuse problems.

The Government did not permit monitoring of prison conditions by either independent bodies or by members of Parliament, and turned down requests for monitoring visits from the Parliamentary opposition and from a diplomatic mission. The Government did not provide a reason for the refusals, other than to clarify they were not due to security concerns.

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

Role of the Police and Security Apparatus.—The GPF, which is headed by the commissioner of police and overseen by the Ministry of Home Affairs, employed approximately 2,700 officers and is responsible for maintaining internal security. The GDF is responsible for defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF, headed by the chief of staff, consisted of approximately 1,000 troops; it falls under the purview of the Defense Board, which the president chairs.

Poor training, poor equipment, and acute budgetary constraints severely limited the effectiveness of the GPF. Public confidence in and cooperation with the police remained low. There were reports of corruption in the force. Most cases involving charges against police officers were heard by lower magistrates' courts, where specially trained police officers served as the prosecutors.

Substantial staff shortages (only four of eight full time positions were filled) and the lack of its own investigative unit obstructed the PCA's effort to conduct impartial and transparent assessments of accusations it received. By law the police commissioner must comply with the PCA's recommendations on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in getting reports from the commissioner also thwarted the complaints process.

During the year the PCA received 167 written complaints, of which eight involved police killings. The remaining complaints were mostly for police neglecting their duties or misbehaving in public places, unlawful arrest, wrongful seizure of firearms or motor vehicles, corrupt transactions, and unnecessary use of force. Investigation into the complaints led to no recommendations of criminal charges, but did lead to 40 recommendations of disciplinary action against police officers.

The GHRA provided a mandatory one-week human rights course for police recruits.

Arrest and Detention.—An arrest requires a warrant issued by a court official, unless an officer who witnesses a crime believes there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 72 hours be brought before a court to be charged; authorities generally observed this requirement in practice. Bail was generally available except in capital offenses and narcotics trafficking cases.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, in practice these rights were not fully respected. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client. There were reports that senior officers refused to grant prompt access to prisoners.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted approximately one third of the prison population, and the average length of pretrial detention was four months for those awaiting trial at magistrates' courts and 13 months for those awaiting trial at the High Court.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

Delays and inefficiencies undermined judicial due process. Delays in judicial proceedings were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial.

The court system is composed of several magistrates' courts, the High Court, and the Court of Appeal. There is also the right of final appeal to the Caribbean Court of Justice. The magistrates' courts deal with both criminal and civil matters. Specially trained police officers serve as prosecutors in lower magistrates' courts. The DPP is statutorily independent, may file legal charges against offenders, and handles all criminal cases.

The Judicial Services Commission (JSC) has the authority to appoint judges, determine tenure, and appoint the DPP director and deputy director. The president, on the advice of the JSC, may temporarily appoint judges to sit on magistrates' courts and on the High Court. There were nine sitting High Court justices, with three vacancies. In April the JSC made recommendations to the president for filling the vacant seats, but by year's end the president had not taken action. All four seats on the Court of Appeal remained vacant; however, the chief justice and the chancellor of the judiciary were serving in acting capacities.

Trial Procedures.—Trials are public, and defendants enjoy a presumption of innocence. Cases in magistrates' courts are tried without jury; more serious cases are tried by jury in the High Court. Defendants can confront witnesses against them and have access to relevant government held evidence. Defendants have the right to appeal. Trial postponements were granted routinely to both the defense and the prosecution. The law extends these rights to all citizens.

The law recognizes the right to legal counsel; however, except in cases involving capital crimes, it was limited to those who could afford to pay. Although there is no public defender system, a defendant in a murder case that reaches the High Court receives a court appointed attorney. The Georgetown Legal Aid Clinic, with government and private support, provided advice to persons who could not afford a lawyer, particularly victims of domestic violence and violence against women.

Political Prisoners and Detainees.—The Government generally did not detain persons on political grounds. However, there was widespread reporting that the Government's imprisonment on March 5 of former GDF officer Oliver Hinckson, and his subsequent indictment for sedition, was politically motivated. On October 9, Hinckson was granted bail, and his trial was pending at year's end.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, and the Government generally respected this provision in practice. The magistrates' courts deal with both criminal and civil matters. Delays, inefficiencies, and corruption in the magistrate court system affected the ability of citizens to seek timely remedy in civil matters, and there was a large backlog of civil cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—While the law prohibits such actions, and law enforcement officials generally respected these prohibitions, there were reports that police officers searched homes without warrants, particularly in the village of Buxton, a criminal enclave, and in neighborhoods where narcotics trafficking was suspected.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the Government demonstrated diminishing tolerance for publicly expressed views or opinions different from its own.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely. The partially government owned daily newspaper, the Guyana Chronicle, which typically displayed a progovernment slant, covered a broad spectrum of political and nongovernmental groups. The independent daily newspapers Stabroek News, Kaieteur News, and Guyana Times freely reported and editorialized on the Government's policies and actions.

On April 11, the Government suspended the broadcast license of independent television station Channel 6 for four months as punishment for airing a vague threat made by a caller against President Jagdeo during a live call in show, despite the host's immediate condemnation of the caller's remarks. The Government asserted that the station had violated the terms of its license by inciting violence.

In July the Government banned a well known local television journalist, Gordon Moseley, from the Office of the President and the presidential residence for allegedly making “disparaging and disrespectful” remarks towards the president in a letter published in two local newspapers. The letter objected to the president’s public repudiation of a report Moseley had aired; neither the report nor the letter was reported to contain anything offensive.

In January the Stabroek News halted its public campaign against the September 2007 government decision to cease placement of government advertising in Stabroek News. In March the Government resumed advertising.

Continued government limits on licensing of new radio stations constrained the broadcast media. The Government owned and operated two radio stations, broadcasting with multiple frequencies, which were the only media capable of reaching the entire country. In December the High Court chief justice ruled that the Government had acted unconstitutionally by refusing to respond to multiple television station license applications for Region 10, affirming that this “infringed on the applicants’ constitutional right to freedom of expression.” Private interests and the political opposition continued to criticize the Government for its failure to approve similarly longstanding requests for private radio frequency authorizations.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. The International Telecommunication Union reported that there were 11 Internet users per 100 inhabitants in 2007.

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

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti Semitic acts. The Jewish community was very small, perhaps fewer than 10 members.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The Amerindian Act requires that the local village council grant permission for travel to Amerindian areas. In practice most persons traveled throughout these areas without a permit.

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

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened. The Government did not receive any petitions to grant refugee status or asylum.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair national elections based on universal suffrage. However, local government elections, which the law provides should be held every three years, have not been carried out since 1994 due to a stalled local government reform process. Political parties operated without restrictions or outside interference.

Elections and Political Participation.—The most recent elections took place in 2006, when citizens voted in a generally free election to keep the PPP/C government in office. Incumbent President Bharrat Jagdeo was reelected to a five-year term. International observers, including teams from the Organization of American States, the Caribbean Community, the Carter Center, and the Commonwealth, noted isolated irregularities not sufficient to change the outcome and declared the election

to be substantially free and fair, while noting that ruling party use of government resources during the campaign disadvantaged opposition parties.

The Elections Commission and the ruling PPP/C party continued to challenge in court the minority Alliance for Change (AFC) party's 2006 claim that incorrect vote counting in Region 10 in the 2006 national elections had wrongly awarded a seat to the PPP/C that should have gone to the AFC. A High Court resolution to the case remained pending at year's end; meanwhile, a PPP/C member occupied the disputed seat.

The constitution requires that one third of each party list of candidates be female but does not require the parties to select women for seats. There were 21 women in the 65 seat National Assembly; six of 21 cabinet ministers were women.

While supporters of the two major parties (the PPP/C and the People's National Congress/Reform) were drawn largely from the Indo Guyanese and Afro Guyanese communities, respectively, political party leadership was more diverse. The ethnically diverse National Assembly included four indigenous members. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. More than one quarter of the 22 cabinet ministers were Afro Guyanese, including the prime minister and the head of the presidential secretariat; there were also three indigenous cabinet ministers.

Government Corruption and Transparency.—The law provides for criminal penalties for official corruption; however, the Government did not implement the law effectively. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. There was a widespread public perception of serious corruption in the Government, including law enforcement and the judicial system. Low wage public servants were easy targets for bribery.

Public officials are subject to financial disclosure laws and are required to submit information about personal assets to the Integrity Commission, but compliance was uneven and the commission had no resources for enforcement or investigations.

The law does not provide for public access to government information. Government officials were generally reluctant to provide public information without approval from senior administration officials.

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

A few domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often uncooperative and unresponsive to their views; when they did respond, it was generally to criticize. In responding to accusations that its officers may have engaged in torture, a GDF press release criticized those "willfully seeking to vilify the officers of the GDF and to destabilize and demoralize the GDF."

The constitution allows for a governmental human rights commission, but it remained nonfunctioning, and there was no human rights ombudsman within the Government.

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

While the constitution provides fundamental rights for all persons regardless of race, gender, religion, or national origin, the Government did not always enforce these provisions.

Women.—Rape and incest are illegal but were neither frequently reported nor prosecuted; spousal rape is not illegal, which contributed to an atmosphere where victims were often reluctant to report incidents. If a case does come to trial, a judge has discretion to issue a sentence of any length in a rape conviction, depending upon the circumstances and severity of the act committed. The established trend appeared to be a sentence of five to 10 years in prison. During the year there were 17 criminal prosecutions of individuals charged with rape.

Violence against women, including domestic violence, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence, gives women the right to seek prompt protection, and allows victims to seek protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to G\$10,000 (\$54) and 12 months' imprisonment; however, this legislation frequently was not enforced.

According to the NGO Help and Shelter, unlike in previous years, government enforcement of laws against domestic violence was poor. Help and Shelter asserted that magistrates and magistrate court staff lacked sensitivity to the problem of domestic violence and to their roles in ensuring implementation of the law. In addition not all police officers fully understood provisions of the law; some officers reportedly could not recognize the paper form on which a protection order is written.

NGOs reported a perception that some police officers and magistrates could be bribed to make cases of domestic violence “go away.” The Government did not prosecute cases in which the alleged victim or victim’s family agreed to drop the case in exchange for a monetary payment out of court. NGOs asserted the need for a specialized family court.

During the year Help and Shelter handled 468 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 306 of the cases involved spousal abuse directed against women. Help and Shelter, which received funding from both private donors and the Government, ran a free shelter for victims of domestic violence and operated a hotline to counsel victims.

Prostitution is illegal but present. It continued to receive greater public attention due to the high incidence of HIV/AIDS among prostitutes.

Sexual harassment is prohibited under the Prevention of Discrimination Act, which provides for monetary penalties and award of damages to victims. Any act of sexual harassment involving physical assault can also be prosecuted under relevant criminal statutes. Although reports of sexual harassment were common, there were no prosecutions for sexual harassment under the Prevention of Discrimination Act, and charges of sexual harassment were often settled out of court.

The law prohibits discrimination based on gender, but there was no legal protection against such discrimination in the workplace. Although women constituted a significant proportion of the workforce, there were credible reports that they were not equally treated and faced disadvantages in promotion. Job vacancy notices routinely specified that the employer sought only male or only female applicants. The Women’s Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment related services. The bureau also held seminars on leadership and gender equity issues for women throughout the country. The constitution provides for a Women and Gender Equality Commission, but implementing legislation had not been passed.

The law protects women’s property rights in common law marriages. It entitles a woman who separates or divorces to one half of the couple’s property if she had regular employment during the marriage and one third of the property if she had not been employed.

Children.—The Government generally was committed to children’s rights and welfare. The constitution provides for a commission on the rights of the child, but implementing legislation had not been passed.

Reports of physical and sexual abuse of children were common. During the year Help and Shelter handled 55 cases of child abuse and an additional 14 cases of rape in which the victim was 17 years of age or younger. It was unclear how many deaths from child abuse took place; law enforcement officials and NGOs believed that the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs noted reports that some police officers and magistrates could be bribed to make cases of child abuse “go away.”

The age of sexual consent is 16. Under the law anyone who has carnal knowledge of a girl under 16 can be found guilty of a felony and imprisoned for life. There were unconfirmed reports of child prostitution, although there were no indications that the country is a destination for child sex tourism.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, and, unlike in previous years, there were few reports that persons were trafficked to, from, or within the country.

Government and NGOs reported only a small number of cases involving trafficking in persons. There were some unconfirmed reports of girls from the interior (where there was little government oversight and law enforcement was lacking) being trafficked for commercial sex to countries in South America and the Caribbean. Most traffickers were believed to be individual business persons.

The trafficking case against two women charged in 2006 with forcing a 12 year old girl into sexual slavery was dismissed in October for lack of evidence.

Penalties for trafficking include three years’ to life imprisonment, forfeiture of property, and full restitution to the victims. There were no convictions under the Trafficking in Persons Act during the year. In January the Government dropped charges in six trafficking cases due to lack of evidence and the amount of time elapsed since the incidents. Prosecution of human traffickers was more difficult in the interior, where infrequent court sessions delayed prosecution of cases. There is a National Plan of Action to combat human trafficking as well as a National Task Force for Combating Trafficking in Persons, which consisted of multiple government agencies, that meets to address antitrafficking issues. The Ministry of Home Affairs chaired the task force and monitored enforcement.

There was no evidence that government officials or institutions participated in or condoned human trafficking.

There were no reports of societal discrimination against trafficking victims. The Government also worked closely with, and provided some financial support for, the NGOs Help and Shelter and Red Thread, although neither reported any trafficking victims during the year.

In January the Government facilitated the return from Trinidad of a trafficking victim who had escaped her captors; this individual received vocational training and a stipend from the Government to assist in her reintegration.

In February the Human Services and Social Security Ministry completed a countrywide antitrafficking educational and self-awareness campaign, which reached more than 5,000 individuals. The National Task Force also conducted sensitization and awareness sessions that reached more than 1,000 persons across the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution mandates the state to “take legislative and other measures designed to protect disadvantaged persons and persons with disabilities”; however, there is no law allowing such persons to contest discriminatory acts. There is also no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult for persons with disabilities to be employed outside their homes. The National Commission on Disabilities, comprising 15 cabinet-appointed members, was charged with advising the Government and acting as a coordinating body on issues affecting persons with disabilities. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

Indigenous People.—According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine tribal groups, and 90 percent of indigenous communities were located in the remote interior. Their standard of living was lower than that of most citizens, and they had limited ability to participate in decisions affecting their lands, cultures, traditions, and allocation of natural resources. Indigenous communities had limited access to education and health care; there was no information on the effectiveness of government efforts to improve these services. All indigenous communities had primary schools, and there were 10 secondary schools in remote regions. The secondary schools had dormitories that housed approximately 1,400 students at government expense. The Government established programs to train health workers and established rudimentary health facilities in most communities.

The law provides that persons wishing to enter indigenous lands must obtain prior permission from the local village council, but most visitors traveled in these areas without a permit. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

Land rights were a major issue for the indigenous population. Indigenous people complained that the Government allocated land (to mining and logging interests as well as for environmentally protected reserves) without proper consultations with them. The indigenous communities often viewed these allocations as illegitimate seizure of indigenous lands and alleged that consultations on development in the interior did not provide adequate time for feedback. However, the Government also continued its program of granting full title to indigenous communities around the country for land the communities already occupied.

Other Societal Abuses and Discrimination.—Violence and discrimination based on sexual orientation or against persons with HIV/AIDS were not widely reported.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions, and workers exercised this right in practice. However, the constitution also specifically bars GPF members from unionizing or associating with any established union. Approximately 20 percent of the work force was unionized.

The law provides workers with the right to strike, and workers exercised this right in practice. Strikes may be declared illegal if the union leadership did not approve them or if they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place, but they are required to engage in compulsory arbitration to bring an end to a strike. There is no law prohibiting retaliation against strikers, but this principle always was included in the terms of resumption of work after a strike. The law de-

finances and places limits on the retaliatory actions employers may take against strikers.

b. The Right to Organize and Bargain Collectively.—Public and private sector employees possessed and exercised the right to organize and to bargain collectively. The Ministry of Labor certified all collective bargaining agreements, and there were no reports that it refused to do so. Individual unions directly negotiate collective bargaining status. The chief labor officer and the staff of the Ministry of Labor provided consultation, enforcement, and conciliation services.

The law prohibits antiunion discrimination by employers; however, some unions alleged antiunion discrimination by the Government.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, there were unconfirmed reports that such practices occurred. Unlike in previous years, there were no reports that Amerindian men were forced into labor in timber camps.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law sets minimum age requirements for employment of children, child labor in the informal sector was a problem. The law prohibits the employment of children younger than 15, with some exceptions. No person under 16 may be employed at night, except under regulated circumstances. The law permits children under 14 to be employed only in enterprises in which members of the same family are employed.

Child labor was most prevalent in family-based businesses, especially farming, bars and restaurants, and street vending. Small numbers of children performed hazardous work in the construction, logging, farming, fishing, and manufacturing industries. However, according to an NGO study during the year, the country does not have a significant problem with the worst forms of child labor.

The Ministry of Labor collaborated with the Ministry of Education and GPF to enforce child labor laws. The Ministry of Labor employed 20 labor inspectors who were charged with investigating child and exploitative labor activities; however, these were not sufficient to effectively enforce existing laws.

In 2006, with international donor assistance, the Ministry of Labor, Human Services, and Social Security, in conjunction with the Ministry of Education, launched a three-year project to reduce the incidence of the worst forms of child labor and withdraw or prevent 3,044 children from exploitative or hazardous labor conditions.

e. Acceptable Conditions of Work.—The minimum public sector wage was G\$34,055 (\$166) per month. There were minimum wages for certain categories of private sector workers, including retail cashiers and clerks, printers, drivers, and conductors, starting with a minimum of G\$4,000 (\$20) per week. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal sector, often were paid less than what was required legally in the service sector. Laborers and untrained teachers at public schools also were paid less than the minimum wage. The legal minimum wage did not provide a decent standard of living for a worker and family.

The law sets hours of employment, which vary by industry and sector. In general, work in excess of a 44 hour workweek required an overtime payment rate. The law does not require a minimum weekly rest period but does state that a person cannot be compelled to work overtime.

The law also establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. Inadequate resources prevented the ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

HAITI

Haiti is a constitutional republic with a population of approximately 9.3 million. International observers assessed the 2006 presidential and parliamentary elections as generally free and fair, after which President Rene Preval and the new parliament took office in May 2006. Parliament confirmed Michele Pierre-Louis as the new prime minister in September, filling a vacancy that had existed since the April removal of former prime minister Jacques-Edouard Alexis. Elections for one-third of the Senate's members, originally scheduled for late 2007 and rescheduled to May, did not occur, leaving the Senate at two-thirds membership for most of the year.

Civilian authorities generally maintained effective control of the security forces, but in some instances elements of the Haitian National Police (HNP) acted independently. The United Nations Stabilization Mission in Haiti (MINUSTAH) was made up of approximately 9,000 military and police officers and civilians who assisted and advised government and security authorities.

The following human rights problems were reported: failure to hold timely parliamentary elections; alleged unlawful killings by HNP officers; ineffective measures to address killings by members of gangs and other armed groups; HNP participation in kidnappings; overcrowding and poor sanitation in prisons; arbitrary threats and arrests; prolonged pretrial detention; an inefficient judiciary subject to significant influence by the executive and legislative branches; severe corruption in all branches of government; violence and societal discrimination against women; child abuse, internal trafficking of children, and child domestic labor; and ineffective enforcement of worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any known politically motivated killings. However, HNP officers killed several persons, who were usually armed and resisting arrest; there were also allegations of HNP involvement in unlawful killings. The Government and the HNP often lacked sufficient expertise and resources and often did not conduct thorough and reliable investigations.

On July 11, Renece Cheron, arrested in the case of the kidnapping of a three-year-old, died after suffering physical abuse while in HNP custody. At year's end the case remained under investigation by the Office of the HNP Inspector General with no further developments.

On December 16, the prosecutor for Port-au-Prince ordered the detention of three HNP officers for murder and attempted murder of residents in Martissant, a Port-au-Prince neighborhood. One resident died during the officers' attempt to rescue another resident from being lynched by a local mob for suspected murder. The prosecutor released the rescued man, whom the prosecutor had previously released from detention for another crime. The HNP officers remained in custody at year's end.

Organized criminal gangs mainly were responsible for the arbitrary or unlawful deprivation of life. In some areas of Port-au-Prince formerly known as "No Law" areas, notably Martissant, criminals and gangs operated with near impunity.

During the year police arrested three suspects, including a 15-year-old minor, for the kidnapping, rape, and murder of 20-year-old Farah Natacha Kerby Dessources. One adult suspect died in July as a result of gunshot wounds sustained during his arrest. The other two suspects remained in detention at year's end pending completion of the investigative phase.

On May 20, despite payment of ransom, unknown actors kidnapped, tortured, and killed a 16-year-old student who was returning home from school.

In response to continuing violence perpetrated by suspected criminals, residents in some neighborhoods resorted to vigilante justice. Nongovernmental organizations (NGOs) also reported vigilante incidents including shootings, beatings, and lynchings in rural areas, an area where effective judicial and law enforcement institutions largely were absent. Police statistics documented 70 lynchings during the year.

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

Current and former HNP officers were accused of participation in kidnappings. Since some HNP officers were involved in narcotics trafficking, credible observers assumed HNP officers' complicity in narcotics trafficking-based disappearances.

On July 3, the HNP arrested three Cap Haitien police officers for allegedly heading a gang responsible for multiple kidnappings. An investigating judge dismissed the case against the first officer. At year's end the second suspect remained in prison awaiting trial, and the third suspect was a fugitive.

On December 4, Gonaives Police Commissioner Ernst Dorfeuille Bouquet was arrested and charged with the November 29 kidnapping and murder of Monica Pierre, a convicted drug trafficker and alleged personal associate. Other police officers also were linked to the case, but there were no further arrests as of year's end.

Armed and organized criminal elements continued kidnapping during the year. While payment of ransom resolved most cases, some victims were tortured, raped, and killed while in their kidnappers' custody. There were 263 reported kidnapping victims during the year, compared with 237 in 2007. Many kidnappings were never reported officially.

The August 2007 disappearance of Lovinsky Pierre-Antoine, a supporter of former president Jean-Bertrand Aristide and a potential senatorial candidate, was unresolved. Pierre-Antoine remained missing at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and with the exception of a few HNP officers, there were no reports that government officials employed them. Criminal gangs, however, frequently employed these practices.

On February 5, an HNP officer assigned to the Canape-Vert precinct in Port-au-Prince beat a local resident. At year's end the HNP Internal Affairs unit was investigating the case.

On September 12, members of the HNP's crowd control unit reportedly beat three local residents in their home as the unit reacted to a dispute between the family and a girlfriend of one of the implicated officers. The case was referred to the corrections court on September 24, and there were no further developments at year's end.

On September 25, HNP officers beat Natacha Jeune Saintil after she objected to their arrest of her brother without a warrant. She underwent emergency surgery for a perforated intestine and broken pelvis. The four officers involved were on administrative leave pending results of the investigation.

MINUSTAH's Office of Internal Oversight Services investigated cases of alleged sexual exploitation and abuse of minors by MINUSTAH security forces during the year and submitted completed investigations to UN headquarters for final disposition. The Government did not receive expected reports from UN headquarters or the Government of Sri Lanka concerning the accusations against Sri Lankan peacekeepers of "transactional" sexual exploitation or sexual involvement with minors in 2007.

Prison and Detention Center Conditions.—Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and often unsanitary. The destruction of three prisons in 2004 and the large number of pretrial detainees in custody resulted in severe overcrowding. There were credible reports that in some prisons, detainees slept and stood in shifts due to lack of space. Some prisons had no beds for detainees. Many prison facilities lacked basic services such as adequate kitchens, medical services, electricity, and medical isolation units for contagious patients. Most prisons also periodically lacked water.

Many prisoners and detainees suffered from a lack of basic hygiene, malnutrition, poor quality health care, and the presence of rodents. The incidence of preventable diseases such as AIDS, malaria, and tuberculosis remained a serious problem.

The overburdened prison system had insufficient holding facilities, especially as new arrests mounted during the year. The National Penitentiary in Port-au-Prince held prisoners in its intake room. Overcrowding prevented the constitutionally mandated separation of violent from nonviolent prisoners and convicts from detainees. Provincial authorities, in particular, incarcerated many convicted prisoners for long terms in temporary holding cells. Successful escapes occurred and sometimes included persons charged with serious crimes. Police stations served as prisons in the cities of Gonaives and Petit Goave, whose prisons were destroyed in 2004. They were severely overcrowded. Gonaives, for example, housed 214 long-term prisoners in its local police station. In February several facilities released prisoners in an effort to reduce overcrowding.

Prisons also suffered from guard abuse, corruption, and indifference. Prisoners reported physical abuse by correctional officers; officers reported limiting their exposure to cell blocks due to insufficient staffing and security.

At year's end the total prison population, including both pretrial detainees and sentenced prisoners in the country's 17 prisons, was 8,204; international standards supported a maximum population capacity of 2,448 persons. The National Penitentiary in Port-au-Prince, built in 1915, continued to be severely overcrowded. Enlarged to a total capacity of 1,200, it held 3,908 inmates in December.

At year's end approximately 88 percent of the country's 316 incarcerated minors were in prolonged pretrial detention, several since 2005.

Port-au-Prince maintained separate penitentiaries for adult men and women. Both penitentiaries suffered from overcrowding, poor maintenance, and unsanitary conditions, but the problems at the men's penitentiary were more severe. In the 15 other detention centers throughout the country, space permitting, male and female prisoners were held in separate cells. Children 16 and older were confined with adults. Minors and adults sometimes occupied the same cells due to lack of available space. Pretrial detainees were held together with convicted prisoners.

Most boys were held in a separate facility in Port-au-Prince. By law, that facility may hold only boys ages 13 to 15, although a few children claimed to be as young as eight and others as old as 17 years of age. Female minors at the Petionville

Women's Penitentiary were segregated from adult prisoners in a separate but overcrowded cell.

As of December 1,764 of the 8,204 prisoners in custody had been tried and sentenced, while 6,440 still awaited trial.

Prison population statistics did not include the large number of persons held in police stations around the country in "preventive detention" (without a hearing or filed charges) for longer than the constitutionally mandated 48-hour maximum detention period. Inadequate record keeping and data entry at the police stations made it difficult to estimate the number of persons held in preventive detention (*See* Section 1.d.).

The International Committee of the Red Cross (ICRC), MINUSTAH, the local NGO National Human Rights Network for Haiti, and the Government's Office of Citizen Protection (OPC) monitored prison conditions in cooperation with the Department of Prison Administration.

Authorities freely permitted the ICRC, the Haitian Red Cross, and human rights groups to enter prisons and police stations, monitor conditions, and assist prisoners and detainees with medical care, food, and legal aid. Primary concerns for most groups monitoring the conditions in the prisons related to adequate water, food, and sanitation. Although some programs, such as efforts to improve sanitation at the National Penitentiary, reported success, the Government did not implement all changes recommended by NGOs and donor governments.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the constitution stipulates that a person may be arrested only if apprehended during the commission of a crime or on the basis of a warrant by a legally competent official such as a justice of the peace or magistrate. The authorities must bring the detainee before a judge within 48 hours of arrest. Officials frequently did not comply with these provisions in practice.

Role of the Police and Security Apparatus.—MINUSTAH, deploying 6,854 soldiers, 1,858 police officers, and 494 civilian UN officials, trained and supported the national police force, provided disaster recovery assistance, and assisted the Government in suppressing gang-related violence.

The 8,546 member HNP has sole responsibility for law enforcement and maintenance of order; there are no military forces. The UN estimated that the country needs a force of at least 14,000 police. The HNP is an officially autonomous civilian institution under the authority of a director general and includes police, corrections, and coast guard functions in separate units. The Ministry of Justice, through its minister and the secretary of state for public security, provides oversight.

There were reports of corruption in the HNP, which the HNP has mechanisms to investigate. For instance, affluent prisoners sometimes obtained favorable conditions of detention. A businessman arrested for fraud visited a local hospital for emergency medical services but he resided there many months after his recovery. The HNP conducted investigations of police malfeasance, leading to the arrest or termination of employment of some officers. The Inspector General's (IG) Office of the HNP accepts and investigates allegations from any complainant of police wrongdoing, including human rights violations, complicity in criminal acts, and other violations. The IG established two toll-free hot lines to accept citizen complaints—one directly to the HNP and one to MINUSTAH. Upon completion of investigations, the IG forwarded its findings to the director general of the HNP and high-level Ministry of Justice officials for appropriate action. IG investigations revealing criminal activity were referred to the regional prosecutor.

Reform and professionalization of the HNP continued as international programs provided human rights and other training and equipment for new recruits and for existing officers; police station upgrades; security and humanitarian improvements to prisons; vehicles, computers, and communications equipment; and other technical assistance. During the year more than 2,000 police officers were vetted for human rights abuses, complicity in criminal acts, and other violations. Nevertheless, reform efforts remained incomplete, and HNP officers occasionally were implicated in corruption, kidnapping, and narcotics trafficking. The Corrections Department of the HNP did not perform the same vetting and background procedures on new employees and guards as its HNP law enforcement counterparts; the director general dismissed 19 corrections cadets prior to graduation due to improper, biased recruiting. With the assistance of the National Network for the Defense of Human Rights and the international community, the HNP participated in human rights training.

A MINUSTAH poll reported that 58 percent of the population perceived improvement in the HNP during the year. In another poll 66 percent of respondents listed the HNP as the most trusted government institution.

Although the HNP's efforts resulted in significantly increased levels of physical security and policing effectiveness, in many cases the HNP could not prevent or respond to gang-related and other societal violence due to an insufficient number of officers and inadequate equipment or training. In April MINUSTAH provided assistance when violent protests in Les Cayes and Port-au-Prince overwhelmed HNP responders.

Arrest and Detention.—Police sometimes apprehended persons without warrants or with warrants not issued by a duly authorized official. The authorities occasionally detained individuals on unspecified charges or pending investigation.

In areas with little or no HNP presence, justices of the peace frequently and illegally sent members of locally elected councils to execute arrest warrants.

Police frequently did not observe the legal requirement to present detainees before a judge within 48 hours, and prolonged preventive detention remained a serious problem. For example, judges sometimes failed to report for work or the police lacked vehicles to transport the accused to courthouses. Consequently, many detainees were held for extended periods in preventive detention without being informed of charges against them.

Investigative judges granted bail at their discretion. Bail hearings were not routine, and judges usually granted bail only for minor cases and based on compelling humanitarian grounds, such as a need for medical attention. Detainees generally were allowed access to family members and a lawyer of their own choosing. Many detainees could not afford the services of an attorney, and the Government routinely did not provide free counsel. In contrast to past years, persons who were found not guilty were released quickly.

The Government detained repatriated citizens upon their return for approximately two weeks if the citizen had a criminal record or if the crime committed abroad was considered minor. The authorities used the deportee's time in detention to assess whether the citizen planned to participate in criminal activities and to locate local family members. Because of lack of available space in prisons and detention centers, the Government made efforts to release the deportees quickly. Deportees, many of whom spent most of their lives abroad, alleged widespread discrimination and social abuse after returning home.

The Detention Commission, established in June 2007, studied outstanding cases dating from 2004 and released 892 prisoners between June 2007 and March 2008. Days after issuing its final report in March, the commission disbanded. Media and credible groups reported that the commission permitted numerous dangerous persons to reenter local communities.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice the executive and legislative branches exerted significant influence on the judicial branch. Judges assigned to politically sensitive cases complained about interference from the executive branch. Credible reports of judicial corruption were commonplace.

On June 23, the Ministry of Justice and Public Security fired two judges in Les Cayes for freeing drug traffickers in exchange for money.

Pervasive and long-standing problems—including a shortage of funding and adequately trained and qualified justices of the peace, judges, and prosecutors—created a large backlog of criminal cases, and many detainees waited months for a court date.

Another problem in the judicial system created a barrier for crime victims requesting investigation of their cases. After a citizen reported being the victim of a crime, some justices of the peace charged varying “fees” to initiate criminal prosecutions. Amnesty International reported that some judges extorted money from rape suspects to avoid investigation and prosecution and sometimes brokered marriages between rape victims and their attackers instead of pursuing criminal investigations.

In mid-April justices of the peace began charging private citizens fees of up to 20,000 gourdes (\$500) for a legal document to certify damage to citizens' personal property during rioting that occurred that month. On April 24, the Chief Prosecutor's Office of Port-au-Prince demanded that all justices of the peace return these fees.

Access to the judicial system was limited also by long distances and limited transportation between citizens' places of residence and the courts. In most regions judges lacked basic resources and professional training. However, the School for Magistrates, closed since 2004, resumed in-service training of justices of the peace. During the year 76 justices from Port-au-Prince completed the intensive six-week training program. An internationally funded program provided training for judges, prosecutors, and other court personnel, furnished technical assistance in drafting

rules and procedures, and assisted in curriculum planning for the school. The National Center for State Courts provided assistance with training and curricula for judges and court personnel.

Trial Procedures.—The judicial apparatus follows a civil law system based on the Napoleonic Code. In practice authorities widely ignored the constitutionally provided right to a fair public trial. The constitution also expressly denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or they waive this right. Most accused persons could not afford legal counsel for interrogation or trial, and the law does not require that the Government provide legal representation. However, some defendants had access to counsel during trials. While the constitution provides defendants with a presumption of innocence, the right to be present at trial, the right to confront witnesses against them, and the right to present witnesses and evidence on their own behalf, judges frequently denied defendants these rights. Recruitment and advancement of judges remained poorly regulated pending full implementation of a 2007 law governing qualifications and requirements for all magistrates and judicial personnel.

There was no action taken on judicial reform laws passed in 2007 that require the formation of a supreme judicial council which would include members of the judiciary and civil society and prescribe the re-opening of an academy for judges.

At the lowest level of the justice system, justices of the peace issue warrants, adjudicate minor infractions, mediate cases, take depositions, and refer cases to prosecutors or higher judicial officials. Investigating magistrates and public prosecutors cooperate in the development of more serious cases, which are tried by the judges of the first instance courts. Thirty appeals court judges hear cases referred from the first instance courts, and the 11-member Court of Cassation, the country's highest court, addresses questions of procedure and constitutionality.

The Code of Criminal Procedure does not assign clear responsibility for criminal investigations and divides authority among police, justices of the peace, prosecutors, and investigative magistrates. Authorities often failed to question witnesses or complete investigations, and examining magistrates often received incomplete files. Authorities rarely conducted autopsies and seldom issued reports.

The law provides for at least two criminal court sessions (assises) per year in each of the 15 first-instance jurisdictions for all major crimes requiring a jury trial, with each session generally lasting two weeks. However, this did not occur in practice, which was a significant reason for lengthy delays for prisoners awaiting trial. Many courts lacked adequate funding for staff salaries, transportation for court staff and defendants, or funds for meals and incidentals during long trials.

Traditionally, each annual assise processes approximately 10 jury trials. With international donor assistance, some jurisdictions, such as St. Marc and Port-au-Prince, processed significantly more. During the year the court in Port-au-Prince held a second jury session for the first time in many years and conducted trials for an additional 19 cases. With the support of the national government and the local legal community, international groups provided funds to indigent defendants for professional legal representation at these hearings. The Ministry of Justice underwrote special summer felony hearings in Port-au-Prince to reduce pretrial detention backlogs, and the courts adjudicated an additional 115 cases at these special sessions. Still, since most of the 3,908 detainees awaiting trial in the National Penitentiary were held for serious crimes that warranted a jury trial, they were effectively denied the right to a prompt trial. Approximately 10 percent of detainees in the National Penitentiary were convicted; the rest awaited trial or release.

Political Prisoners and Detainees.—The Government generally did not hold political prisoners; however, since most prison detainees were awaiting trial, it was possible that some of them were being held for political reasons.

On May 16, 97 victims of the 1994 "Raboteau Massacre" received more than 16 million gourdes (\$430,000) in court-awarded damages from former colonel Carl Dorelien, a member of the military dictatorship who fled the country after Aristide resumed the presidency.

In June the Inter-American Court of Human Rights (IACHR) ruled that political persecution by the Government violated the human rights of Yvon Neptune, prime minister under the 2004 Aristide government, who was imprisoned from 2004 to 2006. The IACHR detailed 11 violations of Neptune's rights and awarded damages.

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

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government and elected officials generally respected these rights in practice. However, there were a few incidents of government officers and elected officials harassing journalists and numerous reports of gang members killing or harassing journalists.

On July 1, the deputy mayor of Cap Haitien and his bodyguards attacked news correspondent Joachim Marcel and destroyed his equipment in radio station Signal FM's Cap Haitien office, allegedly in retaliation for Marcel's investigation of voting corruption. The public prosecutor's office had not developed the case as of year's end.

Internet Freedom.—The Government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups freely engaged in communication via the Internet, including by e-mail. The International Telecommunication Union reported that in 2007 there were 75,000 Internet subscribers and 10 Internet users per 100 inhabitants.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Citizens must apply for a permit in order to hold legal demonstrations; the HNP regularly issued permits.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuse or discrimination against members of religious groups, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

Since there were no known refugees in the country, there was no opportunity for the Government to coordinate with the Office of the UN High Commissioner for Refugees.

The law prohibits forced exile, and there were no reports of its being applied. However, according to anecdotal reports, former government officials imposed internal and external exile upon themselves and their families for fear of retaliation or prosecution.

Internally Displaced Persons (IDPs).—The Government reported displacement of approximately 150,000 persons from their homes due to two hurricanes and two tropical storms that ravaged much of the country during a three-week period in August and September. Large-scale international and NGO humanitarian assistance efforts were actively solicited and accommodated by the national government to provide emergency aid to displaced persons and storm victims. Emergency legislation enabled the national government to redirect nearly \$180 million of accrued oil revenues toward emergency aid efforts.

Protection of Refugees.—The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened, but it did not routinely grant refugee status or asylum.

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

The law provides citizens the right to change their government peacefully through free and fair elections based on universal suffrage, but the Government did not provide citizens the full opportunity to exercise this right during the year.

Elections and Political Participation.—Multiparty presidential and parliamentary elections in February and March 2006 were relatively stable and peaceful. Rene Preval won the presidency with 51 percent of the vote. Additional rounds of parliamentary and municipal elections were held in December 2006 and April 2007.

Citizens and international observers considered the election process acceptable, the results credible, and noted few incidents of violence or fraud.

The constitution requires that, following local and municipal elections, local officials hold a series of indirect elections to staff departmental organs of self government and an interdepartmental council to advise the national government, as well as to nominate candidates for the Permanent Electoral Council. The three branches of the national government were to select from among these nominees the council's nine members.

Since these indirect elections did not take place, the country continued to operate with a Provisional Electoral Council (CEP). Lacking necessary presidential instructions to do so, the CEP, installed in December 2007, did not hold elections to replace one-third of the Senate, whose terms expired in May, and two other open Senate seats. As a result the Senate operated with 18 members instead of 30. The Government rescheduled these elections for April 2009.

The CEP cited the lack of a comprehensive electoral law and a budget shortfall as impediments to elections. In June parliament passed a new electoral law that included a provision to increase the number of polling places. Many persons, including the president, declared the constitutionally mandated calendar of frequent elections either too impractical or too expensive.

The electoral legislation mandated that political parties presenting at least 30 percent female candidates and succeeding in electing 20 percent of them receive twice as much public financing for those same positions in the next election. The monetary deposit required of female candidates for political office (if sponsored by a recognized party) was one-half that required of male candidates. Eight women served in the 129-seat National Assembly, and four women sat in the 18-member cabinet, including the prime minister.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a severe problem. Corruption remained widespread in all branches and at all levels of government. The constitution mandates that high-level officials and parliament members accused of official corruption be prosecuted before the Senate, not within the judicial system. However, the Senate brought no such cases of corruption. Poverty, lack of economic opportunity, and weak governmental institutions (especially relating to law enforcement and the judiciary) contributed to widespread corruption.

The HNP, with the assistance of UN Civilian Police, continued efforts to eliminate corruption within its ranks, and the Government continued to investigate individuals in the business sector and in government entities for corruption but brought no charges. The Center for Pleas and Legal Assistance (CEPAJ) began offering judicial assistance to victims and witnesses of government corruption and widely disseminated phone and e-mail contact information. At year's end the CEPAJ had taken five complaints since its inception in May.

Authorities arrested or detained a few low-level public servants, mainly customs officials, on corruption or corruption-related charges. The Government's Financial Intelligence Unit within the Ministry of Justice conducted an investigation into misuse of funds within the social security system. After parliamentary and public criticism of efforts by the chief prosecutor for Port-au-Prince to arrest the agency's director, judicial authorities questioned the director but did not arrest or charge him. The president relieved the director of his duties in November. There were no known developments in the investigation begun in 2007 concerning alleged mismanagement of funds at the Ministry of Foreign Affairs in 2004–06.

In January the president signed into law a financial disclosure bill that requires the president, the prime minister, cabinet ministers, and other high-level public officials to declare assets. The Financial Control and Information Office has responsibility for combating financial crimes. The chief prosecutor for Port-au-Prince arrested or attempted to arrest several government officials for corruption, including HNP officers and the director of the national airport authority. After the business community, the HNP, and NGOs publicly questioned his commitment to applying the laws objectively, the chief prosecutor resigned his post on August 12.

No law requires public access to government information, but there were no reports that the Government prevented public access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government cooperated with the various human rights ob-

servation missions and generally acknowledged their views but lacked the capacity to implement their recommendations. The Government permitted special missions and the continued presence of UN bodies and other international organizations such as the ICRC.

At national and international levels, human rights organizations actively and effectively monitored human rights issues, meeting frequently with government officials. Human rights organizations made media appearances and published reports.

The OPC exists to protect individuals against any form of abuse by the Government. The OPC offered free legal assistance to any citizen who appeared before a court regarding a filed complaint. The OPC had a reputation for ineffectiveness and primarily operated within Port-au-Prince. The Government rarely acted on OPC recommendations.

The Chamber of Deputies and the Senate each had a human rights committee; however, neither committee published any reports or introduced any legislation during the year.

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

The law does not specifically prohibit discrimination on the grounds of race, gender, disability, language, or social status. It does provide for equal working conditions regardless of gender, beliefs, or marital status. However, no effective governmental mechanism administered or enforced these provisions.

Women.—The law prohibits and provides penalties for rape but does not recognize spousal rape as a crime. The penalty for rape is a minimum of 10 years of forced labor, increasing to a mandatory 15 years if the victim was less than 16 years old. In the case of gang rape, the maximum penalty is forced labor for life. Sentences were often less rigorous. The criminal code excuses a husband who kills his wife or her partner found engaging in an act of adultery in his home, but a wife who kills her husband under similar circumstances is subject to prosecution. Anecdotal evidence suggested that some younger women were detained after violently resisting sexual attackers, sometimes family members. Amnesty International confirmed that rape remained commonplace and underreported. Kidnappers often raped their female abductees. In July MINUSTAH's Child Protection Unit reported numerous incidents of gang rape and sexual violence against women and children in the "No Law" areas.

National police statistics showed that 282 rapes were reported during the year, an increase of 89 percent over the 2007 figure of 149; 90 rape victims were adult women, 189 were female minors, two were adult men, and one was a male minor.

Rape was often treated in practice as a relatively minor infraction or a family or community issue instead of a prosecutable offense. MINUSTAH cited difficulty in persuading judges and the HNP to give adequate attention to rape cases. Cases were often relegated to a justice of the peace, who acted as a mediator, with an emphasis on finding family or community solutions as opposed to punishing the perpetrator.

Rape was especially common in urban slum areas with minimal police presence. Many credible NGOs and government sources believed that urban gangs used rape as a systematic instrument of intimidation. Women's shelters and organizations reported that armed gangs frequently raped and harassed girls and women. At least one kidnapping gang kidnapped women in Port-au-Prince primarily for purposes of rape, making ransom demands considerably lower than in other kidnapping cases.

In 2007 doctors and hospitals began issuing free medical certificates to victims of sexual aggression, including rape, for use when pressing charges against attackers. The certificate was often the only evidence presented by the victim, and despite notices from the Ministry of Justice to the contrary, judges dismissed cases in the absence of such a certificate.

Substantial disincentives discouraged victims from reporting rapes: victims' desire to protect themselves from the social or physical consequences of bringing accusations against the perpetrators, who often lived in the community; tacit cultural acceptance of sexual assault; the lack of facilities or services at police stations to aid rape victims; required payment of a nominal fee for medical services necessary to obtain the free certificate; the long distances between homes and a qualified tribunals; and finally, the corrupt judicial system that fostered a perception of impunity.

The law prohibits and provides penalties for domestic violence, but women's rights groups and human rights organizations reported that domestic violence against women remained commonplace and underreported. Government figures reported 31 incidents of domestic violence (down 19 percent from 37 in 2007); the 25 female victims were all adults. Police rarely arrested the perpetrators or investigated the incidents, and the victims sometimes suffered further harassment and reprisals from

perpetrators. Corrupt judges often released suspects arrested for domestic violence and rape.

On January 26, 27-year-old Martine Lindor of Petit-Goave was allegedly beaten by her former spouse and lost sight in her left eye. Police conducted a swift investigation and arrested the suspect, but an investigative judge intervened the same day to procure his release without notifying the prosecutor or speaking with the victim. When the victim pursued further legal action, a higher court returned the case to the same judge.

The Government, with the support of international donors, sponsored a program for victims of violence that provided medical and legal assistance for victims, as well as a campaign denouncing violence against women. Haitian Women in Solidarity estimated that the number of women reporting instances of violence against them increased 58 percent in the first half of 2008, primarily cases of spousal rape.

Although prostitution is illegal, it remained a widespread practice, particularly among women and girls. Local NGOs reported that police generally ignored prostitution.

The law does not specifically prohibit sexual harassment, although the labor code states that men and women have the same rights and obligations. Data concerning sexual harassment in the workplace were not available, although observers suggested that sexual harassment occurred. Such incidents went unreported because of high unemployment and because citizens had little confidence in the ability of the judicial system to protect them.

Women did not enjoy the same social and economic status as men. In some social strata, tradition limited women's roles. The majority of women in rural areas remained in the traditional occupations of farming, marketing, and domestic labor. Very poor female heads of household in urban areas also often faced limited employment opportunities, such as domestic labor and sales. Laws governing child support recognize the widespread practice of multiple father families but rarely were enforced. Government and private sectors seldom promoted women to supervisory positions. Excepting the HNP, which continued efforts to recruit and increase the percentage of women in its ranks, there were no government efforts to combat economic discrimination.

Many domestic women's rights groups worked through a national network, the Coordination for Advocacy on Women's Rights.

Children.—Governmental agencies and programs promoted children's rights and welfare, but the Government lacked the capacity and the resources to support or enforce existing mechanisms adequately.

While the constitution provides for free and compulsory public primary education, in practice many children did not have access due to the insufficient number of public schools and lack of necessary documentation. According to the Government, 40 percent of children never attended school. Of those who did, less than 15 percent graduated from secondary school. Religious institutions, community organizations, and NGOs managed nearly 90 percent of the country's approximately 15,000 schools. Poorer families sometimes rationed education money and sent only some of their children to school.

Credible sources reported that large numbers of domestically trafficked children were forced to work as indentured household servants. Port-au-Prince's large population of street children included many who were dismissed from or fled employers' homes. The Ministry of Social Affairs provided minimal assistance, such as food and temporary shelter, to street children.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although labor legislation and other laws, including those prohibiting and penalizing slavery, kidnapping, and violence against women, could be used to combat human trafficking. There were reports that persons were trafficked from, to, through, and within the country.

The country was a source for persons trafficked to the Dominican Republic, the Bahamas, the U.S., Europe, and Canada. Trafficked citizens reported conditions of bonded servitude, slavery, and forced labor. Extreme poverty and lack of employment were among key risk factors supporting human trafficking. Women from the Dominican Republic were trafficked into the country for sexual exploitation. Traffickers also used the country as a transit point for third-country nationals.

Several NGOs reported a sharp increase during the year of child trafficking for sexual and labor purposes, especially to the Dominican Republic and the Bahamas.

Internal trafficking of children for domestic labor remained a significant problem. Rural families sent young children, most often girls, to city families as *restaveks* ("live with" in Haitian creole) in exchange for that child's room and board and, sometimes, school fees. While some *restaveks* received adequate care, many received

ing families compelled the children to work long hours, provided them with little nourishment, and abused them. Most restaveks worked in low-income homes where conditions, food, and education for nonbiological children were not priorities. While difficult to quantify, reports estimated that the number of restaveks ranged from 170,000 to 200,000.

The Government acknowledged the problem of internal trafficking, including that of children. The Brigade for the Protection of Minors (BPM), a branch of the HNP, investigated cases of child trafficking and monitored movement of children across the border with the Dominican Republic but faced many barriers to its operational effectiveness. NGOs were at the forefront of combating international trafficking of children carried out under the guise of international adoptions.

In general the Government did not provide protection, shelter, or assistance to victims and witnesses, but referred victims to NGOs for services. Child victims of domestic trafficking living as street children in Port-au-Prince streets were so numerous that the BPM did not as a matter of routine try to help them. Intergovernmental organizations, including the International Organization for Migration, were primary providers of services to victims of trafficking. In July national authorities, with the support of international aid, returned 47 trafficked children (between the ages of two and eight) to their families in Jeremie, at the southern tip of the country.

The Government did not sponsor antitrafficking information and education campaigns.

Persons With Disabilities.—There were no reports of discrimination by the Government against persons with disabilities in employment, education, access to health care, or the provision of other state services. However, because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities were severely disadvantaged. The Office of Secretary of State for the Integration of Handicapped Persons estimated that there were 800,000 persons with disabilities in the country and that only 3.5 percent of children with disabilities attended school. The secretary of state distributed wheelchairs and implemented an awareness campaign. Access for persons with disabilities was limited.

Other Societal Abuses and Discrimination.—There were no confirmed reports of discrimination against homosexuals.

Societal discrimination occurred against persons with HIV/AIDS, particularly women, but educational programs sponsored by foreign donors and efforts by HIV/AIDS activists attempted to change that stigma.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except public-sector employees, to form and join unions of their choice. The law also requires that a union must have a minimum of 10 members and register with the Ministry of Labor and Social Affairs within 60 days of its formation. The law prohibits employers, management, and anyone who represents the interests of employers from joining a union. In theory unions were independent of the Government and political parties, but in practice most unions were extensions of political parties. There were nine principal labor federations representing approximately 5 percent of the labor force.

The labor code provides for the right to strike, except for managers, administrators, other heads of establishments, and public utility service workers, and workers exercised this right in practice. The labor code defines public utility service employees as essential workers who “cannot suspend their activities without causing serious harm to public health and security.”

Despite the prohibition there were a few public sector strikes, usually related to the Government’s failure to pay staff on time. Doctors and staff struck for weeks in several public hospitals, including the central public hospital in Port-au-Prince, demanding back pay and better working conditions.

b. The Right to Organize and Bargain Collectively.—While the law protects trade union organizing activities and stipulates fines for those who interfere with this right, in practice the Government made little effort to enforce the law.

High unemployment rates and antiunion sentiment among some factory workers and most employers limited the success of union organizing efforts.

Collective bargaining was nonexistent, and employers set wages unilaterally. The labor code does not distinguish between industries producing for the local market and those producing for export. Employees in the export-oriented assembly sector enjoyed better than average wages and benefits.

Although workers had access to labor courts established to resolve common labor-management disputes, the courts’ judgments were not enforced. The courts function

under the supervision of the Ministry of Labor and Social Affairs and adjudicate minor conflicts, but unions stated that the process was ineffective. Seven labor courts operated in Port-au-Prince, and in the provinces plaintiffs utilized municipal courts.

The law prohibits antiunion discrimination by employers, who are liable to pay a monetary fine for each individual violation. The law does not specify that employers must reinstate workers illegally fired for union activity. Illegally fired workers have the right to recoup any compensation to which they are entitled. The Labor Court adjudicates all labor disputes, but it was considered weak and ineffectual.

There is one export processing zone (EPZ) in Ouanaminthe, a town on the Dominican border. Legislation governing free trade zones provides that the labor code apply in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including of children; however, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum employment age in all sectors is 15 years, but the minimum age for apprenticeships is 14. The law prohibits minors from working under dangerous conditions and prohibits night work in industrial enterprises for minors under 18. Fierce adult competition for jobs ensured that child labor was not a factor in the industrial sector. However, children under the age of 15 commonly worked at informal sector jobs to supplement family income. Children also commonly worked with parents on small family farms, although the high unemployment rate among adults kept children from employment on commercial farms in significant numbers. There was no legal penalty for families that employed children in domestic labor as *restaveks*, the primary form of child employment. Children also worked on the street as vendors or beggars, and sometimes, in prostitution.

Although the Government charged the Institute for Social Well-Being and Research with implementation and enforcement of child labor laws and regulations, this body lacked funding to investigate exploitive child labor cases effectively.

e. Acceptable Conditions of Work.—The Tripartite Commission of Salaried Workers established the legal minimum daily wage, approximately 70 gourdes (\$1.75). The president appoints the commission's six members: two representatives each from labor, employers, and government. This wage did not provide a decent standard of living for a worker and family. Some workers earned more than the minimum wage by working on a piece-rate basis. The majority of citizens worked in the informal sector and subsistence agriculture, where minimum wage legislation does not apply and daily wages of 15 gourdes (\$0.37) were common. Many women worked as domestic employees, an area of work that is also exempted from minimum wage legislation.

The law sets the standard workday for industrial, commercial, and agricultural establishments at eight hours and the workweek at 48 hours, with 24 hours of rest. It also provides for the payment of overtime and prohibits excessive compulsory overtime. However, the law grants exemptions to health care, lodging, food and beverage, and entertainment establishments; managerial positions; and family establishments that employ only family members. The Labor Directorate also may grant exemptions for other employers not specifically exempted by the law. These laws were not effectively enforced. In addition the law is silent concerning public sector employees. Due to staff shortages and special events, salaried HNP officers sometimes worked 12-hour shifts six days per week and received no overtime, although they received standardized bonuses at year's end. In severely understaffed regions, officers sometimes worked longer hours to serve the needs of their communities.

The law also establishes minimum health and safety regulations. The industrial and assembly sectors largely observed these guidelines, but the Ministry of Labor and Social Affairs did not enforce them effectively. No group collects formal data, but unions alleged that job-related injuries occurred frequently in the construction industry and public works sectors. Although they have the legal right to do so, in practice workers could not exercise the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

HONDURAS

Honduras is a constitutional, multiparty democracy with a population of approximately 7.7 million. In 2005 Liberal Party candidate Jose Manuel Zelaya Rosales won the presidency in elections that were considered generally free and fair by

international and domestic observers. The Liberal and National parties continued to dominate the politics of the country. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The following human rights problems were reported: unlawful killings by members of the police and government agents; arbitrary and summary killings committed by vigilantes and former members of the security forces; violence against detainees by security forces; harsh prison conditions; corruption and impunity within the security forces; failure to provide due process of law; lengthy pretrial detention; politicization of the judiciary, judicial corruption, and institutional weakness; erosion of press freedom; corruption in the legislative and executive branches; government restrictions on recognition of some nongovernmental organizations (NGOs); violence and discrimination against women; child prostitution and abuse; trafficking in persons; discrimination against indigenous communities; violence and discrimination against persons based on sexual orientation; ineffective enforcement of labor laws; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government or its agents committed arbitrary or unlawful killings, particularly of youths and children by vigilante groups that may have included members of the security forces. Casa Alianza reported that at least eight such cases involved security forces. The Prosecutor's Office pressed charges in some cases, but there were no known convictions during the year, and Casa Alianza had no data regarding sentences issued in the case of child and youth murders. The Government has a Special Unit of Investigation of Child Murders, but the investigative process seldom identified the perpetrators.

Through August the NGO Casa Alianza reported the killings of 86 minors under age 18 and 273 youths ages 19–22. Casa Alianza reported that more than 78 percent of the killings were committed by unknown assailants, 9 percent by acquaintances, 5 percent by private security forces, 2 percent by government forces; 8 percent were attributed to gang violence.

Several groups and families of juvenile victims claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders in perpetrating killings. The Ministry of Public Security stated that it investigated individual police officers for participation in killings of street youth; however, there was no information available on the outcome of the investigations.

In midyear a Tegucigalpa court dismissed all charges against retired colonel Alexander Hernandez Santos, a member of the disbanded Intelligence Battalion 3–16, for human rights violations, forced disappearances, and assassinations in the 1980s of 184 persons.

While observers linked some killings of high-profile targets, such as environmentalists, labor leaders, attorneys, and politicians, to organized crime and narcotics traffickers, other cases were apparently politically motivated.

On July 11, two unknown assailants killed attorney Marco Antonio in front of witnesses; he was the 17th legal professional killed up to that date.

In July unknown assailants outside the town of Juticalpa ambushed and killed Shamir Guifarro Ramirez, Henry Arturo Chacon, and Nelda Ochoa—the son, father-in-law, and mother-in-law, respectively, of environmentalist Mario Guifarro, who was himself killed in September 2007. Guifarro Ramirez was the only witness to his father's killing. There were no suspects in either of the Guifarro killing cases. Public Ministry investigations identified Yuny Alexander Sanchez, Jorge Tejada Pacheco, and Jose Angel Rosa Pacheco as the principal suspects in Mario Guifarro's killing and indicated that Mario Guifarro may have had illicit business dealings with Rosa Pacheco.

In the run-up to the November 30 primary elections, there were several politically motivated killings, which analysts interpreted as a “message” from organized crime for the Liberal Party and President Zelaya in particular to stop maneuvering to remain in power. On November 12, vice mayoral candidate Danilo Edgardo Castro Hernandez was killed in La Lima. On November 14, Julio Cesar Padilla, Liberal Party candidate for mayor of Morazan, Yoro Department, was killed. On November 22, masked gunmen killed Mario Fernando Hernandez Bonilla, a Liberal Party congressional deputy and one of four congressional vice presidents.

There were developments in several high-profile killings in earlier years. On October 14, authorities in Chiapas, Mexico, arrested Rodolfo “Fofó” Humberto Salinas Castejon, a principal suspect in the 2007 killing of army Captain Alejandro

Humberto Zavala, a bodyguard of President Zelaya. Salinas Castejon remained in pretrial detention at year's end. Investigations also identified as suspects Juan Ramon Castejon Mendoza (who died in June 2007) and Darwin Alexander Villalta, who remained at large.

The Public Ministry ordered the arrest of David Portillo in connection with the June 2007 killing of Garifuna leader Felix Ordonez Suazo in Punta Piedras, Colon Department. Portillo remained at large at year's end.

Authorities identified Carlos Alberto Navas Gonzalez as the principal suspect in the November 2007 killing of Regional Red Cross President Jose Raul Carranza Soto in Puerto Cortes. There were no known developments in the prosecution of the case, but Navas Gonzales remained in prison on illegal arms charges. The only witness for the case was killed two days after testifying to the police.

On July 1, a court convicted four policemen of the 2006 killings of Heraldo Zuniga and Roger Murillo, two environmentalists working to protect the forest in Olancho Province. The policemen, Linton Omar Caceres Rodriguez, Rolando Antonio Tejeda Padilla, Juan Jose Talavera Zavala, and Jose Arcadio Gonzales, faced sentences of 20 to 30 years' imprisonment. However, between July 21 and 24, Caceres, Talavera, and Gonzales escaped from prison, and their whereabouts remained unknown at year's end.

On April 29, authorities arrested Italo Ivan Lemus Santos (who had just been deported to the country) for the killing of environmentalist Carlos Luna in 1998. Other suspects including Jorge Adolfo Chavez and the alleged intellectual author, Jose Angel Rosa, remained free, and there were no known developments in the prosecution of the case.

Violent crime continued to fuel the growth of private unlicensed security guard services and vigilante groups that allegedly patrolled neighborhoods and municipalities to deter crime. Human rights organizations asserted that some citizen security councils (neighborhood protection groups), as well as private security companies, with ties to former and current military or police officials, acted with the complicity of police as vigilantes or death squads to use lethal force against supposed habitual criminals.

On June 11, Irene Ramirez, a member of the Aguan Campesino Movement (MCA), was killed in Trujillo. She had previously received a number of threats from local land owners and large-scale ranchers in the region. There were no known developments in the case.

On August 5, 11 persons were killed in a massacre stemming from a land dispute between the family of police official Henry Osortos and the MCA in Silin, Colon Department. After the killings, the Government reportedly negotiated a payment to the ranchers of over 75 million lempira (approximately \$3.9 million) to allow the peasants to stay on the land, receive legal titles, and obtain permission to construct 400 new homes. On October 17, authorities arrested Jose Isabel Morales Lopez on charges of planning the Silin massacre. According to the public prosecutor, 31 other peasants, all members of the MCA, were also charged with aggravated arson and the murder of the 11 victims.

On October 2, 9, and 14, unknown assailants killed three land-rights activists and community leaders, Fredis Osorto, Elias Murcia, and Ubence Aguilar, in the Cofradia sector of Cortes Department.

b. Disappearance.—Through May 22, authorities reported receiving 227 cases of disappearances of minors: Some disappearances were thought to be criminally-motivated abductions killings, and others were attributed to voluntary acts of persons leaving the country for employment elsewhere.

On October 6, Jose Alfredo Guevera, Carlos Lazo and Hector Herrera disappeared reportedly after being detained by police officers.

There was no information, and none was expected, in the 2007 disappearance of Milton Elias Cardona from his house in Siquatepeque, Comayagua.

There was no information, and none was expected, regarding the disappearances in 2006 of Panamanian nationals Jose Camilo Miranda, David Rodrigo Villalobos Valladares, and Jorge Luis Villalobos Valladares (all last seen in the custody of Roatan police) or of Jorge Ruiz Rosales, former advisor of the National Association of Farmers of Honduras, and Elvis Zepeda Barrientos, both of whom government authorities had detained.

On December 5, the Government published a decree that created the National Reparations Program, which was to consider specific cases of deaths and disappearances for reparations; the program directors not been named by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, there were instances in

which government officials employed them, including police beatings and other abuse of detainees.

On July 23, policemen fatally beat Carlos Enrique Mayorga of Copan. Officer Wilson Rubio arrested Mayorga and took him to the local police station where five other policemen beat Mayorga on the head, stomach, and genitalia before releasing him. Mayorga died hours later at the hospital; Rubio was suspended from duty.

Both Marvin Javier Martinez Bermudez and Jose Santiago Lopez Villalobo remained in prison pending trial on charges of killing Judge Alba Leticia Bueso. Allegations that security authorities tortured them in August 2007 to compel a confession were not confirmed. Two other suspects, Ruben Antonio Pineda Hernandez and Olvin Alexander Lopez Moreno, involved in the killing of Judge Leticia Bueso remained at large.

In December 2007 the Public Ministry charged five police officers for the torture and illegal detention of several members of the NGO Lesbian-Gay Rainbow Association of Comayagua. There were no known developments in the case.

Prison and Detention Center Conditions.—Prison conditions were harsh, and prison security was poor. Human rights groups reported that prisoners suffered from severe overcrowding, malnutrition, and lack of adequate sanitation. On July 11, the Special Prosecutor for Human Rights announced an investigation of a basement cell possibly used as an inhumane holding cell in the remote village of Villa Vieja; however, a Public Ministry investigation determined there was no conclusive evidence of torture or human rights violations.

Prisoners were subject to other abuses, including rape by other inmates. Adequate food or other basic necessities were not provided. Prison escapes through bribery or other means continued to occur. On October 23, the NGO Center for Torture Prevention and Rehabilitation reported that seven of 10 inmates were tortured or otherwise abused in, or on their way to, prisons and jails. Their report also found that municipal and preventative police routinely rounded up vulnerable or “delinquent” youth (for example, gay, lesbian, transsexual, sex workers, and drug addicts) without cause or explanation of their rights.

Several prison officials, including Wilfredo Maradiaga Oseguera and Aldo Rodolfo Oliva Rodriguez, were under investigation for abusing their authority and permitting prisoners illegal furlough privileges.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. Through October 27, the Ministry of Public Security reported that 39 prisoners had been killed while incarcerated, in most cases due to rival gang violence.

Prison authorities attempted to hold prisoners from opposing gangs in different facilities or in different areas of the same prison to reduce intergang tensions and violence. On April 26, nine prisoners died in the San Pedro Sula penitentiary in a riot between common criminals and gang members.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held among the general prison population. Human rights organizations charged that prison officials used excessive force against prisoners, including beatings, as well as isolation and threats. There were credible reports that security officials condoned rapes and other physical assaults on detainees who were homosexuals.

Female prisoners generally were held in separate facilities under conditions similar to those of male prisoners but, unlike their male counterparts, did not have conjugal visit privileges. At certain lower-security prisons, women were held with the general population. Children up to age two were permitted to stay with their mothers in prison. Pretrial detainees generally were held together with convicted prisoners.

While the Government operated four juvenile detention centers, minors were sometimes detained with adults.

Overcrowding remained a problem, as judges tended to place minors in detention centers in the absence of other educational or reform programs.

The Government generally permitted prison visits by independent local and international human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, but the authorities at times failed to enforce these prohibitions effectively.

The Committee for the Defense of Human Rights in Honduras (CODEH) alleged that an undetermined number of security officials had arrested arbitrarily, and sometimes tortured, more than two dozen persons, under the Government's Operation National program. The program consists of sets of different police operatives

ordered by the Government to monitor the population in different sectors of the major cities.

Police arrested persons based on such factors as forms of dress and types of tattoos.

On September 29, policemen wearing ski masks allegedly arrested Mario Alvarez, Nelson Alvarez, Heliodoro Amador, and Alonso Andino, peasant land-rights activists with the Union and Strength Campesino Association, in the town of Suntule, Francisco Morazan Department. The following day, according to credible media reports, another police squad came to the house of the group's Secretary General and forced his wife at gunpoint to sign documents that handed over the group's lands in 60 days. There was no known investigation.

Role of the Police and Security Apparatus.—The Ministry of Public Security oversees police operations, including those of the Preventive Police, Criminal Investigation Division (DGIC), Transit Police, Frontier Police, Tourist Police, and Prison Police. Corruption and impunity were serious problems within the security forces. The new Police Law approved in October restructured the Ministry of Security, resulting in creation of an Office of Internal Affairs (IA) answering directly to the minister.

The IA investigates allegations of illegal activities committed by members of the police force. The Preventive Police and the DGIC each have an office of professional responsibility that conducts internal reviews of police misconduct.

According to the Public Ministry, during the year 312 reports were filed against the police with the Special Prosecutor for Human Rights, of which 163 cases were investigated and 43 were discovered to have merit. The majority of these reports involved excessive use of force, unlawful detention, and extortion.

On April 17, during the march for striking prosecutors, an armed man threatened and unsuccessfully attempted to force educational leader Sergio Rivera into a vehicle. Witnesses said that the vehicle was full of government elite Special Forces agents.

On June 6, a court found guilty and sentenced 21 of the 43 members of the Government implicated in the 2003 "El Porvenir Jail Massacre"; those sentenced included the chief of police of La Ceiba and the police commissioner.

On September 10, after infiltrating an Autonomous National University of Honduras (UNAH) union meeting, two plainclothes National Police officers were identified and found to be carrying a list of more than 130 recognized leaders from various sectors of civil society named as "dangerous" on the list. The list included the crossed-out name of slain labor leader Altagracia Fuentes with the written words "dead" next to her name.

The Ministry of Security reported that during the year authorities prosecuted 268 police officers for offenses ranging from abuse of authority to drug trafficking, rape, and homicide.

Gang violence and intimidation, notably on public transport, remained serious problems and led the Government to station security officers on many public buses. In some instances police lethally targeted youth and minors, often with impunity.

Arrest and Detention.—The law provides that police may arrest a person only with a court order, unless the arrest is by order of a prosecutor, made during the commission of a crime, made when there is strong suspicion that a person has committed a crime and may try to evade criminal prosecution, or made when the person is caught with evidence related to a crime. Police must clearly inform the person of the grounds for the arrest and bring a detainee before a competent authority within 24 hours. The prosecutor has 24 hours to decide if there is probable cause for an indictment, and a judge then has 24 hours to decide whether to issue a temporary detention order that can last up to six days, by which time the judge must hold a pretrial hearing to examine probable cause and make a decision on whether pretrial detention should continue. The law provides for bail for persons charged with felonies and the right of prisoners to prompt access to family members. Although the law also provides that prisoners have the right of prompt access to a lawyer of their choice and, if indigent, to state-provided counsel, these requirements were not always followed in practice.

Lengthy pretrial detention was a serious problem. During the year approximately 53 percent of the prison population awaited trial. The law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused. Judicial inefficiency and corruption and lack of sufficient resources delayed proceedings in the criminal justice system. According to the Supreme Court of Justice, of 271,000 cases filed with the DGIC in 2007, only 6,000 reached trial. Of the 6,000 cases, however, 80 percent resulted in sentences.

As a result of trial delays, many pretrial detainees already had served time in prison equivalent to the maximum allowable for the crime for which they were accused. Many prisoners remained in jail after being acquitted or having completed their sentences due to the failure of officials to process their releases.

e. Denial of Fair Public Trial.—Although the constitution and the law provide for an independent judiciary, the judicial system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence.

Low wages and lack of internal controls rendered judicial officials susceptible to bribery, and powerful special interests exercised influence in the outcomes of court proceedings.

There are 12 appeals courts, 77 courts of first instance with general jurisdiction, and 330 justice of the peace courts with limited jurisdiction. The Supreme Court of Justice names all lower court judges. The media and various civil society groups continued to express concern that the eight-to-seven split between the National and Liberal parties in the Supreme Court of Justice resulted in politicized rulings and contributed to corruption in public and private institutions.

Trial Procedures.—The law provides for the right to a fair public trial. Although the law provides that the accused is presumed innocent and has the right to an initial hearing by a judge, to bail, to consult with legal counsel in a timely manner, to have a lawyer provided by the state if necessary, and a right to appeal, these rights frequently were not observed.

Although the law prohibits cases from proceeding where a suspect lacks legal representation, the Government allocated minimal resources to the prosecutors. As a result the public defender was not able to meet the demand for legal assistance to those unable to afford representation.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a cessation of a human rights violation. There were no such cases reported during the year.

CODEH and the NGO Committee on Detained and Missing Relatives were the only organizations that brought charges against human rights violators by seeking monetary damages. A litigant can bring such charges when the criminal court determines that damages may be sought.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution and law generally prohibit such actions, a legal exception allows entry at any time in the event of an emergency or to prevent the commission of a crime. There continued to be credible charges that police personnel occasionally failed to obtain the required authorization before entering a private home.

Garifuna and other indigenous rights leaders continued to complain that the Government failed to redress previous actions by private and public security forces that dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (See Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law generally provide for freedom of speech and of the press, and there was substantial press freedom in the country. However, there were reports of government intimidation of journalists, government takeovers of television transmission frequencies, and journalistic self-censorship. The law prohibits demonstrators from making statements that could incite persons to riot.

Some journalists acknowledged practicing self-censorship when their reporting could challenge the political or economic interests of media owners. There were no reports that international media were prohibited from operating freely.

A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the country's news media. The Government influenced media coverage of its activities through the granting or denial of access to government officials, creating a situation in which the media was so closely interrelated and linked to the political system that the powerful magnates strongly influenced the news agenda and thereby elections and political decisions.

In August the National Commission of Telecommunications (Conatel), disregarding a judge's ruling, transferred the rights to broadcast on Channel Eight from a private enterprise, Teleunsa, to the Office of the President. Earlier in the year, Conatel refused to release the broadcast rights of Channel 12 to their owner,

the Eldi business firm. On November 20, a court ruling ordered Conatel to turn over the broadcasting rights to Eldi; however, Conatel had not complied by year's end.

On September 11, NGOs published two reports describing threats to media freedom by the practice of "official publicity." The reports detailed how the Government guided press coverage through greater access and advertising revenue for those producing favorable reporting while denying access or making legal threats against those who did not. The reports noted that "official publicity" had increased and was worsened by concentration of media ownership.

On November 17, President Zelaya announced that he would seek to regulate the media through legislative means to counter a "culture of death" propagated by the media with support of National Congress President Roberto Micheletti.

NGOs reported that the Government also gave substantial sums of money to selected members of the media who covered their stories in the manner they requested. The Government exerted considerable influence on the print media through granting or withholding publicly funded official advertisements.

The news media continued to suffer from venality, politicization, and outside influences. According to NGOs, government ministers and other high-ranking officials obtained press silence through hiring journalists as public affairs assistants at high salaries and paid journalists to investigate or suppress news stories.

Some media members claimed that, when they attempted to report in depth on national politicians or official corruption, they were occasionally denied access to government information. Access to the presidential palace and to the president, especially on international visits, was limited to the "friendly" press and was arbitrarily awarded and withdrawn by presidential palace staff.

Thelma Mejia, a member of the National Anti-Corruption Council and former director of the NGO C-Libre, reported that at least three dozen journalists, many of them in rural areas, were subjected to threats and intimidation during the year.

On January 1, two unidentified men shot and killed Jose Fernando Gonzales, the owner of Radio Mega in Trinidad, Santa Barbara Department. The local press reported that local police had identified but had not apprehended the perpetrators.

In April in Santa Rosa de Copan, Copan Department, reporter Carlos Roberto Chinchilla of Channel 12 news and his cameraman, Marlon Dubon, received several death threats from two armed men wearing masks, warning them that they had five days to get out of town before being killed.

In May the Director of Radio Globo Sandra Maribel Sanchez announced that she and her family had received threats and had been repeatedly followed by unmarked vehicles due to her support for the prosecutors' hunger strike that began on April 7 (See Section 3).

On October 27, authorities arrested German David Almendarez as a suspect in the October 2007 killing of Radio Cadena Voces journalist Carlos Salgado. At year's end Almendarez remained in custody at the Tamara National Penitentiary awaiting trial.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the May National Institute of Statistics Household Survey, 10 percent of the population had access to the Internet.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected this right.

Freedom of Association.—The constitution and the law generally provide for freedom of association, and the Government generally respected this right in practice. The criminal association law, however, prohibits illicit association and prescribes prison terms of three to 12 years. Human rights organizations criticized the law and its implementation as an undue restriction on the right to associate freely, while gay rights advocacy groups expressed concerns that the law could be used to criminalize social activities and organizations of the gay community. During the year authorities applied the law prohibiting illicit associations to arrest individuals for being members of Mara Salvatrucha and other gangs. The Government used criminal code reforms outlawing illicit association to arrest and take land away from suspected gang members, farmers, and persons from indigenous communities.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. The Government requires foreign missionaries to obtain entry and residence permits.

Societal Abuses and Discrimination.—There were no reports of discrimination or violence against religious groups, including anti-Semitic acts. There was a very small Jewish population.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law does not explicitly prohibit forced internal or external exile, but the Government did not employ this practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened and granted refugee status or asylum. Through November 19, the Office of Migration reviewed no applications for refugee status. The Government cooperated with the UN High Commissioner for Refugees, the International Organization for Migration (IOM), and other humanitarian organizations in assisting refugees and asylum seekers.

On November 4, authorities detained eight South Africans with false passports at the Guatemala border. The individuals subsequently filed for asylum. As of November 20, they remained in jail but were being assisted by CODEH while awaiting a decision on their applications.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of nearly universal suffrage. Active members of the clergy and of the military and civilian security forces are not permitted to vote.

Elections and Political Participation.—In November 2005 Liberal Party presidential candidate Jose Manuel Zelaya Rosales won in elections, which international observers considered generally free and fair. Observers noted irregularities at approximately 1,100 ballot boxes but no systemic patterns of fraud. Political parties could operate without restriction or outside interference.

Women participated actively in politics. There were 31 women in the 128-seat National Congress, and 16 women presided over congressional committees. Eight of the 15 members of the Supreme Court of Justice, including its president, were women. There were three female secretaries of state, six female vice ministers, one female general police commissioner, and five female ambassadors.

There were two Garifuna and one Lenca members of the National Congress.

Government Corruption and Transparency.—The law provides criminal penalties for corruption; however, the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The executive and legislative branches were subject to corruption and political influence. There was a widespread perception that the country's anticorruption institutions had not taken the steps necessary to combat corruption and were unwilling or lacked the professional capacity to investigate, arrest, and prosecute those involved in high-level corruption. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

Many observers argued that the considerable institutional control exercised by the country's elite created the potential for abuse of the country's institutions and democratic governance.

In April a network trafficking Cuban immigrants through the country to the United States was identified. At least 15 Cubans allegedly received fraudulent work or residency visas from the Honduran consul in Havana. In July five of the parties implicated in the scandal resigned, including the minister of migration and immigration law, the Secretary General of migration, the Secretary General of the Chancellery, and the consul in Havana. Investigations by the prosecutor against organized crime remained pending at year's end.

On April 7, four public prosecutors set up tents on the ground floor of the congressional building and started a hunger strike to protest alleged corruption within the Government. The protest quickly gained strength with 40 participants by the end of April; the protesters called for an independent audit of the Public Ministry and the removal of Attorney General Leonidas Rosa Bautista and Adjunct Prosecutor

Omar Cerna. Public prosecutors ended their 38-day strike on May 14 shortly after the National Congress passed two measures meeting many of the strikers' demands.

On August 11, a court ordered the detention of Guillermo Seamman, the former head of the Civil Aeronautical Authority, pending trial for 39 charges of abuse of authority. Seamman allegedly approved more than 39 certifications for airline employees, nationals of Peru and Venezuela, who had not completed requirements for receiving licenses and had entered the country to file the paperwork, as required by law. At year's end Seamann had been released pending trial.

There was no information available on the Supreme Accounting Tribunal's investigation into charges made in 2007 that 13 mayors misused poverty reduction funds provided by donor countries.

In August a court found the former mayor of Tegucigalpa, Oscar Acosta, guilty of fraud for buying land at an overvalued price without a public bid and in September sentenced him to four years in prison, but permitted him to pay 14,600 lempiras (approximately \$800) to cancel the sentence.

There were no known developments in the anticorruption prosecutor's investigation, which began in 2007, of the National Registry of Persons for illegally collecting money from persons for birth certificates and national identity cards.

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

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials generally cooperated with NGOs and, with certain notable exceptions, were usually responsive to NGO views. In practice government bureaucracy delayed the registration for some civil society organizations, including gay and lesbian advocacy groups.

On April 2, an unidentified gunman shot and killed Luis Gustavo Galeano Romero, an educator and promoter for the Tocoa, Colon, departmental delegation for the National Human Rights Commission (CONADEH). Human Rights Commissioner Ramon Custodio petitioned the Inter-American Human Rights Commission for help protecting Romero's colleagues, and the Ibero-American Ombudsman Organization called for an investigation into Romero's killing.

Throughout the year the Association for a More Just Society (ASJ) continued to receive threats. On January 31, authorities arrested Cesar Amador, an investigative police agent and former SETECH security company employee, and Ramon Solis, a SETECH employee, on charges of killing ASJ attorney Dionisio Diaz Garcia in 2006. At year's end the two were in custody awaiting trial.

The Government cooperated with international organizations such as the International Committee of the Red Cross, whose representatives visited the country several times during the year.

The National Human Rights Commission, an autonomous government institution, was headed by Human Rights Commissioner Ramon Custodio Lopez. The commission's director had open access to all civilian and military institutions and detention centers and functioned with complete immunity and without government or political party interference. The Government generally cooperated with, but allocated inadequate financial or other resources to, the commission. In March Custodio delivered the commission's annual human rights report, which criticized the high level of violence in the country. On June 22, Custodio warned that the country was becoming a "narcostate" and stated that there was proof that at least three drug cartels had already infiltrated the national police. The legislature was responsive to the report's findings. The public placed substantial trust in the pronouncements of the commission but was dissatisfied that the Government provided the commission with inadequate resources to perform its duties effectively.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, in practice it was not effectively enforced. Political, military, and social elites generally enjoyed impunity under the legal system; women experienced social and economic discrimination.

Women.—The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime. A rapist can be prosecuted even if the victim does not press charges. The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties in practice.

Violence against women, including systematic killing (femicides), became increasingly widespread. The law criminalizes domestic violence with two to four years' imprisonment. The only legal sanctions for lesser forms of domestic abuse are commu-

nity service and 24-hour preventive detention if the violator is caught in the act. The law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of intrafamilial violence.

The Government did not enforce the law effectively with regard to domestic abuse. The Public Ministry stated that domestic violence accounted for most of the complaints it received and estimated that complaints during the year would exceed the more than 8,000 recorded in 2007. On June 4, the Public Ministry announced it was dedicating 27 prosecutors to cover the growing trend of femicides.

While announcing their campaign to bring an end to "femicides," the Center of Women's Rights and the Center for Women's Studies reported that 171 women had been killed through November 18 and that 90 percent of the deaths went unpunished.

The Government worked with CARE and other NGOs to provide specialized training to police officials on enforcing the law relating to domestic violence. Two facilities, both operated by NGOs, provided shelter for battered women. The shelter in Tegucigalpa could accommodate 20 women and their families. Additionally, six other private centers for battered women offered legal, medical, and psychological assistance. There were 61 civil society NGOs grouped under the Women's Collective against Violence involved in combating violence against women.

Although adult prostitution is legal and relatively widespread, the law prohibits promoting or facilitating for purposes of prostitution. Women were trafficked for sexual exploitation and debt bondage.

The law prohibits sexual harassment in the workplace and provides penalties of one to three years' imprisonment. Sexual harassment continued to be a problem, but the Government did not effectively enforce the law.

Although the law accords women and men equal rights under the law, including property rights in divorce cases, in practice women did not enjoy such rights.

Most employed women worked in lower-status and lower-paid informal occupations, such as domestic service, without legal protections or regulations. Women were represented in small numbers in most professions, and cultural attitudes limited their career opportunities. By law women have equal access with men to educational opportunities. The law requires employers to pay women equal wages for equivalent work, but employers often classified women's jobs as less demanding than those of men to justify women's lower salaries. According to the National Institute of Statistics 2008 Household Survey, women's salaries were 87 percent of those for men. Despite legal protections against such practices, workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment.

The National Women's Institute develops women's and gender policy. Several NGOs actively addressed women's issues, including the Center for the Study of Women-Honduras, which dealt with trafficking in persons, commercial sexual exploitation, garment factory employees, and domestic workers.

Children.—The Government was committed to children's rights and welfare.

The law provides for free, universal, and compulsory education through age 15; however, a 2008 National Institute of Statistics study estimated that 59 percent of children ages five to 18 attended some type of school or learning center, while 90 percent of those five to 12 attended school.

Child abuse was a serious problem. The law establishes prison sentences of up to three years for persons convicted of child abuse. There was no information available regarding the number of reported cases of child abuse.

Abuse of youth and children in poor neighborhoods and by gangs remained a serious problem. Police and members of the general population engaged in violence against poor youth and children. Casa Alianza reported that 66 percent of street children had been assaulted by police. Human rights groups alleged credibly that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals or suspected gang members, as well as against other youths not known to be involved in criminal activity (*See* Section 1.a.).

Trafficking in children for commercial sexual exploitation and child prostitution was a problem. Child labor was a problem, particularly in coffee and melon cultivation, fishing, lobster diving, and limestone and lime production.

On August 26, Raul Edgardo Aragon was charged with aggravated sexual assault against children. Aragon was the former administrator of the New Hope Center that takes care of at-risk youth.

In August the Education Commission of the National Congress announced an official inquiry into the sexual abuse of students by professors. There were 10 documented testimonies of these cases in the Public Ministry. On December 3, authorities arrested Professor Rene Arturo Valderramos for sexually abusing his students.

On October 31, the Government distributed to the media the names of approximately 100 suspects of sexual crimes against children who remained at large.

The law outlaws "illicit associations," including gang and organized crime membership, for which it prescribes prison terms ranging from three to 12 years. Year-end statistics indicated that there were approximately 36,000 gang members, many of them minors. The NGO Washington Office on Latin America estimated that gangs were responsible for 15 percent of violent crime in the country. Gang membership was primarily confined to the Tegucigalpa and San Pedro Sula areas.

The Government and children's rights organizations estimated that there were 20,000 street children, only half of whom had shelter. An Inter-American Development Bank study reported that 88 percent of street children used illegal substances, including glue inhalants and marijuana. Many street children were sexually molested or exploited. According to the UN Children's Fund, more than 2,700 children emigrated unaccompanied during the year.

The municipal administration of Tegucigalpa operated 12 temporary shelters with a capacity for 240 children. Casa Alianza operated three shelters (with a capacity for 175 children) for victims of commercial sexual exploitation, street children, and children with substance abuse problems. The NGO Feed the Children operated a shelter for 40 boys in La Ceiba. Casa Alianza estimated that on average 85 to 100 formerly trafficked girls (ages 12–17) stayed at their shelters and participated in recovery programs. Casa Alianza provided assistance to approximately 2,500 children yearly, attempting to reintegrate as many as possible with their families. Other private organizations and centers of the Institute of Children and the Family also housed street children and cared for approximately 2,500 children.

Trafficking in Persons.—Although the law criminalizes trafficking in persons, there were reports that persons were trafficked from, through, and within the country.

The country was principally a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation. Women and children were trafficked to Belize, El Salvador, Guatemala, Mexico, and also internally, most often from rural to urban settings. Most foreign victims trafficked into Honduras came from neighboring countries. During the year the Government returned dozens of trafficking victims from Mexico and Guatemala. In the Tegucigalpa metropolitan area, an estimated several hundred children were victims of commercial sexual exploitation.

Gangs, organized crime, and human smugglers were reportedly among the principal traffickers for purposes of commercial sexual exploitation. There were reports that families sold their daughters for purposes of trafficking. On February 9, Emilio Fiallos Pina and his wife Dora Rutilia Saucedo Fiallos were arrested for allegedly selling their nine-year-old daughter to attorney Conrado Zelava Castellon for sexual exploitation.

International trafficking was undertaken by land; the Government maintained control of the country's land borders only at specific crossings. Trafficking was conducted using valid and forged documents.

The law sets penalties and defines offenses related to trafficking, including incest, lechery, abuse, prostitution, pornography, and knowingly infecting someone with HIV/AIDS. Punishments include fines ranging from 100,000 to 500,000 lempiras (approximately \$5,300 to \$26,500) and imprisonment for four to 20 years. The law was not enforced effectively. Inadequate government funding to combat trafficking, corruption, and routine dismissal of government employees limited the Government's ability to address trafficking.

A reorganization in the Special Prosecutor's Office for Children in Tegucigalpa assigns antitrafficking responsibilities to one district attorney, two lawyers, three Public Ministry investigators, and two DGIC agents. In San Pedro Sula, two district attorneys cover trafficking issues, while one attorney does so in Choluteca.

The Division Against Abuse, Trafficking, and Commercial Sexual Exploitation, a unit of the criminal investigative police, conducted detection operations throughout the country including highways, airports, ports, and hotels.

During the year, 10 sexual exploitation cases were tried in Tegucigalpa, and 48 cases remained open. There were 32 formal complaints and investigations outside of Tegucigalpa through September.

On August 26, authorities charged Juventina Alicia Cruz Barahona for trafficking an unknown number of women to Guatemala. She was convicted and sentenced to a 10-year prison term.

On November 10, Blanca Azucena Merio Amador and her daughter Gloria Floriscelda Varela Amador were arrested for selling minor girls to men for sexual exploitation. They were allegedly linked to a much larger trafficking operation.

While arresting the traffickers, the authorities were able to liberate one minor girl who was being sexually exploited.

The Government referred at least seven child trafficking victims to the IOM for repatriation and referred dozens of victims each month to both government- and NGO-run shelters for assistance. One child was repatriated from Guatemala and six from Mexico; one for commercial sexual exploitation and the rest for labor trafficking. In the year ending in September, Casa Alianza cared for 245 young girls rescued from sexual exploitation.

Since 2006 the Government has conducted antitrafficking training for approximately 7,000 police, prosecutors, and judges and 10,000 students. The Government also coordinated with NGOs and the IOM to place victims in shelters and provide them with reintegration assistance. The Intra-Institutional Task Force on Trafficking developed a protocol for Assistance to the Victims of Commercial Sexual Exploitation, while the Government's Institute for the Family focused on reintegrating child victims back into their families and society.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, but the Government did not adequately enforce these provisions. The illiteracy rate for persons with disabilities was estimated at 51 percent, compared with 19 percent among the general population.

Statutory provisions make it illegal for an employer to discriminate against a worker based on disability. During the year there were no reports of discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The law requires access to buildings for persons with disabilities. In practice few buildings were accessible.

Although the law requires the Ministry of Governance and Justice to maintain an office for persons with disabilities, the Government did not provide funds or staff to operate the office. There is a commissioner for persons with disabilities in the presidential palace, and the Human Rights Commission of the National Congress also focused on matters of importance to persons with disabilities.

On October 10, the Honduran Association of Deaf persons marched on the Autonomous National University of Honduras to demonstrate against their exclusion from the education system, citizen participation, dignified work, and the media. The group estimated that approximately 85 percent of an estimated 75,000 local deaf persons were denied these rights.

Congresswoman Dayana Burke, a Garifuna blinded at the age of 15, was the first woman with disabilities to become a member of Congress. She advocated reform efforts for the rights of persons with disabilities.

Indigenous People.—Approximately 621,000 persons, constituting 8 percent of the general population, were members of indigenous and other ethnic groups. These groups, including the Miskitos, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahual, Islanders, and Garifunas, lived in 362 communities and generally had little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Most indigenous lands were owned communally, providing land use rights to individual members of the ethnic community. Indigenous land titles often were defined poorly in documents dating back to the mid-19th century. Lack of clear title fostered encroachment and expropriation conflicts among landless nonindigenous settlers, powerful business elites, and government entities interested in exploiting coastlines, forests, and other lands traditionally occupied or utilized by indigenous and other ethnic communities. Indigenous and nonindigenous communities criticized the Government's alleged complicity in the exploitation of timber and other natural resources on these lands. Amnesty International (AI) reported the use of politically motivated criminal charges to detain indigenous persons. AI stated that these detentions often were intended to "obstruct the efforts of indigenous leaders to secure recognition of their communities' claim to communal land titles."

There were several protests by Garifuna and other indigenous groups regarding land rights disputes and perceived government discrimination. Garifuna leaders continued to petition the Government regarding their concerns about large-scale commercial development undertaken on coastal lands traditionally occupied and utilized by their communities. The Government permitted tourism development by private local and foreign business interests on the disputed lands, using 100-year leases designed to revert to the Garifuna after the expiration of that period of time. Garifuna leaders continued to report to the Government and NGOs harassment, threats, and assaults.

In March unknown actors killed two Tolupan youths, Jose Mastul and Geovanny Banegas Sevilla, who purportedly belonged to a group dedicated to reclaiming the Tolupan tribe's ancestral land. No arrests were made in the case.

On June 5, Garifuna activist Santos Feliciano Aguilar Alvares was abducted, beaten, and threatened by 10 private security guards employed by a real estate company in San Juan Tela, Atlantida Department. Immediately prior to the beating, Santos had participated in a community assembly meant to facilitate dialogue between the community and the company.

On June 23, almost 3,000 Maya-Chorti armed with stones and spears closed the Copan Ruins to protest the Government's violation of the terms of their 1997 land-rights agreement, which, they claimed, provided them with only 35 percent of the land they were promised.

On September 24, armed forces personnel patrolling the Cuero y Salado wildlife preserve allegedly shot at eight Garifuna fishermen with M-16 assault rifles, killing Guillermo Morales Herrera. The Garifuna asserted that the incident illustrated a pattern of discriminatory harassment on the part of local officials acting in conjunction with business interests aimed at driving the group from their traditional lands to permit construction of industrial and hotel ventures. Authorities apprehended three of the four soldiers implicated in the killing, while the fourth fled the area. Garifuna leaders held meetings in October with military leaders who agreed to respect traditional Garifuna rights.

The Government undertook minimal efforts to work with indigenous persons to address concerns regarding ownership and use of traditional lands. The courts commonly denied legal recourse to indigenous persons and often favored nonindigenous parties of means and influence. Failure to obtain legal redress frequently led indigenous persons to attempt to regain land through invasions of private property, which led the authorities to retaliate forcefully.

Other Societal Abuses and Discrimination.—There are no discriminatory laws based on sexual orientation, but in practice social discrimination against persons based on sexual orientation was widespread. Many NGOs indicated that hate crimes increased, particularly during political campaign season when minorities became political targets. Representatives of NGOs focusing on sexual diversity rights asserted that security forces killed and abused their members. In cases where lesbians, gays, and transgender persons were found dead, the prosecutor often encountered serious difficulties because the victims had either concealed their identity or sexual orientation or, in many cases, were hiding from their families.

Criminal investigations did not recognize a "transgender" category. Sexual diversity rights groups asserted that security forces, government agencies, and private employers engaged in antigay discriminatory hiring practices. These groups also reported that intimidation, fear of reprisal, and police corruption made gay and lesbian victims of abuse reluctant to file charges or proceed with prosecutions.

The Government stopped requiring that, as a condition for legal registration, sexual diversity rights organizations remove any reference in their bylaws to promoting respect for the rights of gay, lesbian, or transgender persons.

In October transvestite and gay rights groups filed a complaint with the Committee on Human Rights asking that authorities remove the ban on having national identity card photographs taken with make-up and feminine accessories.

There were multiple killings or attacks on persons presumably because of their sexual orientation. The sexual diversity rights organization, Lesbian-Gay Rainbow Association of Comayaguela, asserted that between January and March, unknown actors killed seven homosexuals because of their sexuality and that a number of gay persons had fled the country out of fear of social and security-force persecution. On October 30, an attacker killed Yasmin, a transgender sex worker in Comayaguela, and the following day an attacker shot Bibi, another transgender sex worker, in the center of Comayaguela. On December 18, a transgender sex worker, Cynthia Nicole, was attacked by three men with pipes and clubs after hailing a cab in Comayaguela.

In March 2007 police beat and detained Donny Reyes, the treasurer of the Lesbian-Gay Rainbow Association of Comayaguela. Police then reportedly jailed Reyes in a cell with 57 gang members who raped and beat him. The only witness to Reyes's initial arrest was killed in October 2007. Reyes filed a formal complaint, which at the urging of the Supreme Court, Internal Affairs investigated. The investigation concluded that, while Reyes had many of the symptoms of being raped, it could not definitively determine it took place during his detention. During the course of the investigation, the offices of the Lesbian-Gay Rainbow Association of Comayaguela were burglarized, and all archives and computers were stolen. Internal Affairs cited five policemen, Nelson Daniel Gaitan Sosa, Hill Lainez Nunez, Walker Josue Reyes, Denis Esau Cruz Varela, and Walter Cruz Espina, for dereliction of duty.

There was no reported societal violence or discrimination against person with HIV/AIDS.

On October 17, unknown assailants killed two youths associated with the punk subculture "Emo."

Job-related age discrimination remained a serious problem.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers to form and join unions of their choice, but in practice workers exercised this right with difficulty. The law prohibits members of the armed forces and the police force from forming labor unions and also prohibits public service employees from presenting union organizing petitions or participating in collective bargaining. According to MOL statistics, there were 519 unions representing approximately 8 percent of the work force, excluding the agriculture sector, and as of July approximately 13 percent of the 133,000 apparel assembly workforce was unionized.

The law prohibits coexistence of more than two trade unions at a single enterprise, requires 30 or more workers to constitute a trade union, prohibits foreign nationals from holding union offices, requires that union officials be employed in the economic activity of the business the union represents, and restricts unions in agricultural enterprises with fewer than 10 employees.

Union leaders were occasionally subjected to violence and threats. On May 23, Julio Paz killed Israel Garcia, leader of the National Association of Honduran Farmworkers (ANACH) labor group. The killing was motivated by a National Agrarian Institute land-use ruling favorable to ANACH.

On April 23, unknown masked assailants shot to death Altagracia Fuentes, Secretary General for the Honduran Workers' Federation, and two companions, labor leader Yolanda Sanchez, and their driver, Juan Bautista Aceituno. On May 17, Maynor Celin Hernandez Matute, a suspect in the shooting, was arrested on an unrelated robbery charge. In April the homicide prosecutor's office issued a warrant for the arrest of 11 car-theft gang members for the killing of Altagracia Fuentes and her companions. Gang members were arrested and charged with the killing and attempted robbery. Despite these arrests circumstantial evidence suggested that organized crime or nefarious elements within the labor movement committed the killing.

The law provides for the right to strike, and workers exercised this right in practice. The law prohibits strikes in a wide range of economic activities deemed essential services and any others that in the Government's opinion affect individual rights to security, health, education, economic, or social life.

The International Labor Organization (ILO) criticized the law's denial of the right to strike to workers in the petroleum sector and to government workers, other than employees of state-owned enterprises. Although civil servants occasionally engaged in illegal work stoppages without experiencing reprisals, the MOL has the power to declare the protest illegal and dismiss the protesting workers. The legal restrictions on strikes include a prohibition on labor federations and confederations from calling strikes and a requirement that a two-thirds majority of the votes of the total membership of the trade union call a strike.

In September a teachers strike over back wages paralyzed the school system and accounted for a loss of more than 40 school days ending early October.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and to bargain collectively, but the Government did not protect this right in practice. Although the law requires that an employer begin collective bargaining once workers establish a union, employers often refused to engage in bargaining.

Although the law prohibits employer retribution for engaging in trade union activity, it was a common practice with employers threatening to close unionized companies and harassing or dismissing workers seeking to unionize. Some foreign companies closed operations when notified that workers sought union representation.

The MOL can reach administrative decisions and fine companies for unfair dismissal, but only a court can order reinstatement of workers. Employers often failed to comply with court orders requiring them to reinstate workers fired for engaging in union activity; failure to reinstate workers was a serious problem.

Although the law prohibits blacklisting, there was credible evidence that apparel assembly factory employers blacklisted employees seeking to form unions. There were reports of apparel assembly workers allegedly fired for union activity who were hired for one or two weeks and then dismissed with no explanation. Apparel assembly company employees reported seeing computer records that included previous union membership in personnel records. Some employers informed previously unionized workers that they were unemployable because of their previous union activity.

The Government did not allocate adequate resources to the Ministry of Labor (MOL) for labor inspectors to perform their duties. The country's labor inspectorate offices did not have financial resources to cover travel for inspections and requested that the Government provide transport facilities and other necessities to enable inspectors to carry out their duties.

In March the original members of the SitraFHIA union were fired without reason and then reinstated by Honduran Foundation for Agricultural Investment (FHIA). In the following months, 13 more unionists were similarly dismissed without cause while the SitraFHIA awaited official registration with the MOL. In July SitraFHIA received official registration. In October SitraFHIA was broken by FHIA management with nine of the last affiliates remaining on October 1, leaving only the president and two members. FHIA allegedly paid the affiliates to renounce union membership and return under new nonunion contracts.

On February 8, 60 unionists of the Alcoa Factory were unlawfully dismissed. The workers were eventually reinstated and given their back pay. In July Alcoa Inc. announced it would cease operations at maquila plants in El Progreso and Choloma, and on August 22, Alcoa closed those plants and dismissed all 1,800 workers. On September 12, the Alcoa plant union leader, Lorna Jackson, received death threats in the form of text messages and was shot at by two unidentified men. At year's end Jackson remained in hiding, and a Public Ministry investigation continued.

On May 12, Honduran Women's Collective filed a report citing the Productos San Jose textile factory in San Pedro Sula for human rights and labor law violations; it outlined a systematic covering up of work-related health and injury reports.

In October Jerzees Choloma, a local subsidiary of Fruit of the Loom, closed its plant four months after the plant's union received its official registry from the MOL in July. Earlier in the year, workers were fired from Jerzees Choloma without reason. In October SITRAJERZEES, the newly registered union at the SitraJerzees Plant in Choloma, was in the midst of its first collective bargaining negotiations when management broke off negotiations and declared that the plant would close within six months. Workers alleged that management had made more than 100 threats to union members, indicating the plant would close if the union was formed.

The law provides additional restrictions on strikes in the 102 registered export processing zones (EPZs) and 19 industrial parks operating as EPZs. An additional 26 companies that provided services for industrial parks had their own free zones, outside the industrial parks. In the absence of unions and collective bargaining, several companies in the EPZs instituted solidarity associations that, to some extent, functioned as company unions for the purposes of setting wages and negotiating working conditions. Other EPZ companies used the minimum wage to set starting salaries and adjusted wage scales by negotiating with common groups of plant workers and other employees based on seniority, skills, categories of work, and other criteria.

c. Prohibition of Forced or Compulsory Labor.—The law generally prohibits forced or compulsory labor, including by children; however, there were reports of trafficking in children for commercial sexual exploitation and of child prostitution. Human rights organizations frequently reported that, in the private security and household sectors, workers were typically obliged to work more than 60 hours a week and only earn the legal limit of 44 hours.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law regulates child labor and provides that minors between the ages of 14 to 18 cannot work unless authorities determine that the work is indispensable for the family's income and will not conflict with schooling. The constitution and the law establish the maximum work hours for children under age 18 as six hours daily and 30 hours weekly. Parents or a legal guardian can request special permission from the MOL to allow children between the ages of 14 and 15 to work, so long as the ministry performs a home study to ensure that the child demonstrates economic necessity to work, and that the child will not work outside of the country or in hazardous conditions, including offshore fishing. Through September the MOL had authorized 36 child workers and conducted 28 home visits.

The law prohibits night work and overtime for minors under age 16 and requires that employers in areas with more than 20 school-age children working at their business facility provide a location for a school. In practice the vast majority of children worked without ministry permits.

The Government did not devote adequate resources or inspectors at the institutions to follow up, prevent, or monitor compliance of labor laws.

The MOL did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations of the child labor laws. The ILO expressed concern about the Government's decision to appoint child labor inspectors only to

offices in Tegucigalpa and San Pedro Sula and requested that it comply with the legislative requirement to conduct child labor inspections, even by using nonspecialized labor inspectors.

Census results issued in May by the National Statistics Institute reported that 13 percent of children ages five to 17 worked, of whom 76 percent were boys; 74 percent of child labor occurred in rural areas. The average monthly wage of a child worker in an urban zone was 2,199 lempira (approximately \$115), compared with 1,471 lempira (\$78) in rural areas.

Most working children were employed in agriculture (56 percent); others engaged in commercial activities (18 percent), manufacturing (9 percent), and services (8 percent). Children often worked harvesting melons, coffee, and sugarcane or rummaging at garbage dumps; working in the forestry, hunting, and fishing sectors; and working as deckhands and divers in the lobster industry. Children also peddled goods such as fruit, begged, washed cars, and hauled loads. Some were employed in limestone and lime production. Children, predominantly girls, also worked as domestic servants, where they were sometimes subject to maltreatment by third-party employers. Many children worked out of economic necessity alongside other family members.

An international NGO collaborated with several local civil society groups in executing a program to strengthen the capacity of the Government and civil society to withdraw and prevent children from engaging in hazardous labor through the provision of educational services.

The Government conducted social and educational programs to reach at-risk children, including a school grant program to provide money for school supplies for very poor families, and an alternative schooling program using radio and long-distance learning for children in distant rural areas with few schools. Government measures had minimal impact on diminishing child labor in light of extreme poverty, famine conditions in rural areas, and a lack of jobs for school graduates.

e. Acceptable Conditions of Work.—On December 26, the Government announced an 11 percent general increase in the minimum wage to 5,500 lempira (approximately \$290) per month to be effective January 1, 2009. The increase put the private sector minimum wage (not including agriculture) on par with the public sector minimum wage. In the agricultural sector, employers often did not pay the minimum wage.

The daily minimum wage scale is divided into 10 sectors based on the size of the worker's place of employment. The scale ranged between 55 lempiras (approximately \$2.88) for unskilled labor and 135 lempiras (\$7.13) for workers in financial and insurance companies.

The law prescribes a maximum 40-hour workweek and at least one 24-hour rest period for every six days of work. The law requires overtime payment for hours in excess of the standard, and there are prohibitions on excessive compulsory overtime. Employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the MOL. There were credible allegations of compulsory overtime at apparel assembly factories (particularly for women, who comprised approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. Foreign workers enjoyed equal protection under the law.

The MOL is responsible for enforcing national occupational health and safety laws but did not do so consistently or effectively. Worker safety standards were enforced poorly, particularly in the construction industry, in garment assembly sector, and in agriculture production activities. There were complaints that foreign factory managers in EPZs and other private industrial facilities failed to comply with occupational health and safety regulations. Workers in pineapple production and other commercial agriculture enterprises alleged blacklisting by employers if they complained to the authorities about working conditions. The NGO Honduran Women's Collective reported that large numbers of apparel assembly workers had back, neck, and carpal tunnel syndrome as well as respiratory (including tuberculosis), digestive, and skin diseases. These health problems were attributed to air contaminated by fine dust and fabric fuzz, noise, lack of ventilation, lack of protective equipment, and extreme temperatures.

The law does not provide workers with the right to leave a dangerous work situation without jeopardy to continued employment.

JAMAICA

Jamaica is a constitutional parliamentary democracy with a population of approximately 2.8 million. In generally free and fair elections in September 2007, the Jamaica Labour Party (JLP) won 32 of the 60 seats in the House of Representatives, and JLP leader Bruce Golding was sworn in as prime minister. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were serious problems in some areas, including unlawful killings committed by members of the security forces, abuse of detainees and prisoners by police and prison guards, poor prison and jail conditions, impunity for police who committed crimes, an overburdened judicial system and frequent lengthy delays in trials, violence and discrimination against women, trafficking in persons, and violence against suspected or known homosexuals.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—While the Government or its agents did not commit any politically motivated killings, there were reliable accounts that security forces committed unlawful or unwarranted killings during the year.

The police employed lethal force in apprehending criminal suspects on many occasions, which resulted in 224 deaths during the year, a drop from the 272 fatal police shootings of civilians in 2007. Many police officials attributed the decline in fatalities to the December 2007 appointment of a new commissioner of police, whom his officers perceived as a disciplinarian who would not tolerate police misconduct.

While complaints of “police murder” remained frequent, the validity of some allegations was suspect. Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs often were better equipped than the police force and conducted coordinated ambushes of joint security patrols.

In five killings by security forces during the year, police alleged that the victims were carrying firearms and opened fire on them. In each of the five cases, eyewitness testimony contradicted the police accounts. These cases included the deaths of Fabian Wray, age 24, killed October 21; Jehvanie Robinson, age 13, killed September 22; Carlton Grant, age 17, killed August 23; Randeem Hall, age 16, killed July 29; and Randall Richards, age 18, killed June 24. In all five cases, the Bureau of Special Investigations (BSI) continued investigating at year’s end.

In the Carlton Grant case, a bystander went to the office of a local nongovernmental organization (NGO) to report the incident and speak to BSI officials. Three unidentified gunmen carrying high-powered weapons entered the premises and kidnapped a person they believed to be the witness. The NGO reported the incident to the police commissioner, and police recovered the kidnapping victim, who was physically unharmed, the same day. The investigation of this incident remained pending at year’s end.

The BSI completed its inquiry into the September 2007 shooting death of Andre Thomas by police. Authorities charged four police officers with murder; the trial was scheduled for January 2009.

The BSI also investigated the September 2007 police shooting deaths of Dexter Hyatt and Tian Wolfe in St. Thomas. Police stated that Hyatt fired at them and Wolfe was part of a crowd protesting police treatment of Hyatt. Witnesses claimed that police shot unprovoked. The BSI submitted its findings to the Director of Public Prosecutions (DPP) in November 2007. At year’s end the DPP was awaiting further forensic evidence before making a determination.

The BSI reported that the investigation remained open in the police killings of four men in Alexandria and one detainee in custody in 2006.

The case in coroner’s court continued against the police accused of killing Jeff Smellie in 2005. Witnesses gave evidence at hearings through December, but the case was not completed at year’s end.

Police involved in the 2005 killing of Nicholas Weir and Donald Allen faced charges in the coroner’s court; their trials were in progress at year’s end.

As with most criminal cases, it can take many years to bring police officers to trial for unlawful killings. The trial of three police officers charged in the 2001 killing of Richard Williams continued in the circuit court after repeated delays. A new trial date had not been set for the three police officers charged in 2003 with the 1999 killing of Noel Barnes in a shoot-out with police, after the first trial ended with a hung jury.

Appeals also can take years to process. In October 2007 the Court of Appeals granted final leave for attorneys representing the mother of Janice Allen, killed by

police in 2001, to take her case to the Privy Council, but the council had not ruled by year's end. The family had appealed the dismissal of the case against the responsible police officer.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, reports of physical abuse of prisoners by guards continued, despite efforts by the Government to remove abusive guards and improve procedures.

Prison and Detention Center Conditions.—Prison conditions remained poor, primarily due to overcrowding and poor sanitary conditions. Medical care also was poor, primarily a result of having only three full-time doctors, one full-time nurse, and one psychiatrist to cover 13 facilities with 4,790 inmates across the island.

Men and women were incarcerated in separate facilities under similar conditions, except that women's prisons were generally not overcrowded.

Although the law prohibits the incarceration of children in adult prisons, some juveniles were held in adult jails because there were no juvenile facilities with adequate security. Adults and juveniles were segregated in the prison system. The social services agency deals with nonviolent youth offenders, who are sent to unsecured halfway houses if they are removed from their homes.

The majority of pretrial detainees were held in police custody either in police stations or in remand centers, generally separate from convicted prisoners.

When prisoners raise allegations of abuse by correctional officers, the charges are first reviewed by corrections officials, then by an inspector from the Ministry of National Security, and finally by the police. Authorities file charges against correctional officers for abuse if evidence is found to support the allegations.

In general the Government allowed private groups, voluntary and religious organizations, local and international human rights organizations, and the media to visit prisons and monitor prison conditions, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law permits the arrest of persons "reasonably suspected" of having committed a crime. While the law prohibits arbitrary arrest, security forces performed "cordon and search" operations, during which they detained persons and took them into custody for processing.

Role of the Police and Security Apparatus.—The Jamaica Constabulary Force (JCF) has primary responsibility for internal security and is assisted by the Island Special Constabulary Force. The Jamaica Defence Force (JDF) is charged with national defense, maritime narcotics interdiction, and JCF support. The JDF has no mandate to maintain law and order and no powers of arrest (with the exception of the JDF coast guard in the maritime domain) unless so ordered by the prime minister. The Jamaica Regiment (JDF infantry forces) was detached as part of a joint internal security operation to assist the JCF in patrolling certain communities. The prime minister occasionally authorized the JDF to cordon and search with the JCF. The Ministry of National Security oversees the JCF and the JDF.

The JCF is headed by a commissioner who delegates authority through the ranks to its constables. The force maintains divisions focusing on community policing, special response, intelligence gathering, and internal affairs. The Anti-Corruption Branch, created in late 2007, has responsibility for tackling corruption in the force. The JCF was not fully effective in combating crime, and the perception of corruption and impunity within the force remained despite a notable increase in the number of arrests of officers for corruption. Authorities arrested 55 rank-and-file officers on corruption-related charges and one senior officer for corruption. Trial dates were set for the majority of the cases, but none had commenced at year's end. Human rights groups identified systematically poor investigative procedures and weak oversight mechanisms as factors contributing to corruption.

The JCF conducted administrative and criminal investigations into all incidents involving fatal shootings by police. The JCF's BSI, which employed 21 investigators, specifically addressed police shootings. In an estimated 672 exchanges of fire between police and civilians in the Kingston metropolitan area during the year, more than 500 persons were injured. In rural areas, there were 444 such exchanges of fire, with more than 160 civilians injured. However, no officer was found criminally liable during the year. BSI supplements the civilian Police Public Complaints Authority, which oversees investigations by the other two bodies and may initiate its own investigations.

The JCF continued a community policing initiative to address the long-standing antipathy between the security forces and many poor inner-city neighborhoods. Through a newly established Community Safety and Security Branch, the JCF conducted targeted training of 200 officers in 38 communities, trained community safe-

ty officers, and assigned JCF officers to targeted schools as resource officers to stem school violence. These officers also served as liaisons between the students, faculty, parents, and police. With NGO assistance the police developed a community policing manual that the police academy used in training police officers on citizens' rights and human rights. The Government bolstered these efforts through public education.

Arrest and Detention.—Arrests normally require warrants signed by a police officer of the rank of station sergeant or higher; however, arrests may be made without warrants. The law requires detained suspects to be charged or released within 24 hours of arrest, unless a justice of the peace or a resident magistrate grants special permission.

The law also requires police to contact duty counsel (a private attorney who volunteers to represent detainees at police stations and until cases go to trial), if requested by the detainee upon detention; however, authorities continued to wait until after detainees had been identified in an identification lineup before contacting duty counsel for them. There was a functioning bail system. The state provides indigent detainees access to counsel through the legal aid program, and detainees were provided with prompt access to family members.

Although the law requires police to present a detainee in court within a reasonable time period, in practice authorities continued to detain suspects for lengthy periods (often up to two or three years), which the Government attributed to an overburdened court system. Magistrates were required to inquire at least once a week into the welfare of each person listed by the JCF as detained, but few did so in practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. However, the judicial system was overburdened and operated with inadequate resources.

The judiciary's lack of sufficient staff and resources hindered due process, and the BSI also had a backlog of approximately 960 cases. With only 21 investigating officers to cover upward of 30 allegations of excessive force per month, the BSI was unable to keep up with the caseload. Trials in many cases were delayed for years, and other cases were dismissed because files could not be located or had been destroyed. A night court continued to operate in an effort to reduce the backlog of resident magistrate cases. The Supreme Court used mediation through the Dispute Resolution Foundation as an alternative to traditional trials, which alleviated some of the civil case backlog in that court. The resident magistrate's courts also used alternative dispute resolution in limited cases.

Some criminal trials were dismissed because witnesses failed to come forward as a result of threats, intimidation, or murder. Some of those who came forward qualified for the witness protection program, but many either refused protection or violated the conditions of the program. According to the JCF, no participant in the witness protection program who abided by the rules of the program was ever killed.

The court system includes justices of the peace, resident magistrate's courts, and the Supreme Court, which has unlimited jurisdiction in civil and criminal matters. Defendants have the right to appeal a conviction in any of the three trial courts to the Court of Appeal, the highest court in the country. The Privy Council in the United Kingdom is the final court of appeal.

Trial Procedures.—Most trials are public and use juries. There was a persistent problem seating enough jurors for cases, which contributed to the extensive judicial backlog. Defendants are presumed innocent, have the right to counsel, and have the right to confront witnesses against them. Legal Aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act. The public defender may bring cases for persons who have had their constitutional rights violated. Although the Public Defender's Office contracted private attorneys to represent clients, funds were insufficient to meet the demand, and such attorneys sometimes requested payment from clients.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial civil judiciary process. Complainants may bring human rights abuse cases for civil remediation to the courts, but awards can be difficult to collect. The civil authority did not always have enough money to award each case, resulting in a backlog of awards. There is a process to undertake pretrial negotiations between the complainant and the state in order to avoid trial.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution prohibits such actions, the Constabulary Force Act gives security personnel broad powers of search and seizure. This act allows search without a warrant of a person on board or disembarking from a vehicle, ship, or boat, if a police officer has good reason to be suspicious. In practice the police conducted searches without warrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without restriction. However, some local media professionals expressed concern that the country's libel laws limited their freedom of expression. Specifically, news outlets reported the need to self-censor investigative reports because of the potential for courts to award high damages in cases of defamation. Some journalists also stated that they censored their political coverage based on fear of violent reprisals. The Press Association of Jamaica and the Media Association of Jamaica continued to advocate changes in the libel laws, which they stated had a "chilling effect" on the media's ability to report effectively, especially on political issues.

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

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

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Members of the Rastafarian community complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief or were due to the group's illegal use of marijuana as part of Rastafarian religious practice.

There was a small practicing Jewish congregation in the country. There were no reports of societal abuses or discrimination, including anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law prohibits forced exile, and there were no reports that it occurred.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and it handled refugee or asylum cases administratively.

The Government generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—All citizens age 18 and over have the right to vote by secret ballot. However, in recent elections voters living in "garrison communities," inner-city areas dominated by one of the two major political parties, often faced substantial influence and pressure from politically connected gangs and young men hired by political parties. These factors impeded the free exercise of their right to vote. During the 2007 national election campaign, police placed a moratorium on

political gatherings due to politically motivated violence. On November 16, at the opposition party's annual conference held at the National Stadium in Kingston, an altercation between party members turned violent, resulting in the shooting death of one person and the wounding of two others.

In the September 2007 elections, after a legal challenge in one district, authorities determined that the JLP won 32 out of 60 seats in the House of Representatives. People's National Party (PNP) challengers filed four cases against elected parliamentarians who held dual nationalities, citing the constitution, which bars from office those who have "sworn allegiance to a foreign power." Three of the candidates renounced their foreign citizenship. A court ruled that regardless of a candidate's current citizenship status, if the candidate had retained dual citizenship at the time of running for office, the seat could not be retained. In one of the four cases, in the West Portland district, a PNP challenger to the elected JLP dual national candidate sought to be directly appointed to the parliamentary seat, but the court called for a by-election. The JLP candidate, who renounced his foreign citizenship after the election in the wake of the court ruling, said he would run for office again if necessary. The PNP candidate filed an appeal against the by-election requirement; a determination remained pending at year's end. All four challenged members of parliament continued to hold their seats pending final determinations on their respective cases. The other three contested cases were unlikely to proceed until the Appeals Court rules in the West Portland case.

There were eight women elected to the 60-seat House of Representatives and three women appointed to the 21-seat Senate. Two of the 18 cabinet ministers were women.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. A 2007 media poll and a survey by the Caribbean Policy Research Institute found that the public believed more than half of the JCF was corrupt and considered nearly 50 percent of all government employees corrupt. After the JCF, parish council members and customs officers were seen as the most corrupt.

The Government appointed a new commissioner of customs, with a reputation as a reformer, in mid-year. He immediately began to reorganize the customs office and move or dismiss personnel suspected of corruption. Within his first month in office, customs' revenue increased by 25 percent.

In February authorities arrested the former junior minister of energy, mining, and telecommunications and two others and charged them with fraud, corruption, and money laundering in connection with a light bulb scandal. The JLP government alleged that the previous administration, through the Petroleum Corporation of Jamaica, paid more than J\$114 million (\$1.7 million) to two corporations not registered as government contractors to distribute and install the four million bulbs donated by Cuba. Both firms were incorporated just before the distribution program began and never submitted invoices for services rendered. The trial, initially set for May, was delayed and expected to resume in 2009.

Although an investigation was undertaken into reports that the PNP returned approximately J\$31 million (\$465,000) allegedly deposited by Trafigura, a Dutch company, in 2006 to an account used to pay for the PNP's annual conference that year, no results were made public by year's end.

The Corruption Prevention Act requires many government officials to file financial declarations; however, reports indicated that more than 5,000 civil servants failed to file or filed late or incomplete financial declarations required under the act. The DPP's office has the authority to identify noncompliant officials and send their cases to the magistrate's office, but the Government did not levy any fines on officials during the year. The Ministry of Justice and the Attorney General's Office have overall responsibility to combat official corruption, but the various ministries are responsible for their own investigations.

The Access to Information Act provides public access to information held by government ministries and agencies. Many agencies reportedly delayed providing information and gave incomplete responses, although when NGOs pressed on behalf of citizens, the Government did respond to such requests.

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

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

The Independent Jamaica Council for Human Rights was the country's only formal organization concerned with all aspects of human rights. The NGO Jamaicans for Justice focused on the issues of police impunity, extrajudicial killings, and excessive use of force by the police and wrote a weekly newspaper column. Many news editorials criticized the group, fuelling a public misperception that the organization advocated only on behalf of accused criminals.

The Public Defender's Office brings cases on behalf of those who charged that their constitutional rights were violated. The office contracted private attorneys to bring suits against the Government on behalf of private citizens.

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

The law prohibits discrimination based on race, gender, place of origin, political opinions, color, or creed. The Government generally enforced these prohibitions in practice, although there continued to be widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, particularly in the garrison communities.

Women.—Rape was illegal and carried a penalty of up to 25 years' imprisonment with hard labor. Spousal rape is not recognized as a crime. During the year 774 rapes were reported. NGOs believed the actual numbers were much higher, but they could not provide any detailed statistics. The JCF rape investigative and juvenile unit, which was headed by a female deputy superintendent, handled sex crimes. No information was available as to the number of prosecutions and convictions obtained.

Social and cultural traditions perpetuated violence against women, including spousal abuse. Violence against women was widespread, but many women were reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent. The law prohibits domestic violence and provides remedies including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to J\$10,000 (approximately \$117) and six months' imprisonment. There was a general reluctance by the police to become involved in domestic issues, which led to cases not being pursued vigorously when reported. The Bureau of Women's Affairs operated crisis hot lines and shelters and managed a public education campaign to raise the profile of domestic violence.

Although the law prohibits prostitution, it was widespread, particularly in tourist areas. Trafficking in women for prostitution continued to be a problem.

There is no legislation that addresses sexual harassment, and it was a problem. There were reports of sexual harassment of women by the police, but some observers believed that women often did not report such incidents because there was no legal remedy.

Although the law accords women full legal equality, including equal pay for equal work, in practice women suffered from discrimination in the workplace and often earned less than their male counterparts. The Bureau of Women's Affairs, reporting to the minister of development, oversaw programs to protect the legal rights of women. These programs had limited effect but raised awareness of problems affecting women. Women sought jobs and served in almost every occupation in both the public and private sectors.

There was an active community of women's rights groups, including Women's Media Watch, the Women's Political Caucus, the St. Peter Claver Women's Housing Cooperative, the Women's Construction Collective, the Sistren Theatre Collective, Woman Inc., and the Centre for Gender and Development Studies at the University of the West Indies. Among the major concerns of these groups were the protection of victims of sexual abuse, participation of women in the political process, and legislative reforms affecting women.

Children.—The Government was committed to improving children's welfare. The Ministry of Education, Youth, and Culture is responsible for implementation of the Government's programs for children. In 2007 the Government established an Office of the Children's Advocate (OCA). The office has broad responsibilities for reviewing laws, policies, practices, and government services affecting children; providing legal services and investigating complaints against the Government; and publishing reports and issuing best practice guidelines concerning the rights or best interests of children. On October 6, the education minister announced that his ministry distributed safety and security guidelines to schools to help ensure greater protection of children. He also said that officials from the Ministries of Education and National Security had begun meeting to identify and implement "school safe zones." The minister added that he would confer with police, the Child Development Agency (CDA), the OCA, and church and community organizations.

On November 5, the OCA reported it had received 333 complaints during the year, conducting some preliminary investigations while referring other cases to appropriate government institutions. The OCA intervened to have 15 students reinstated in schools, assigned lawyers to represent children in 54 court cases, and successfully sought bail for 22 minors accused of committing crimes. OCA officials twice met with the commissioner of corrections to discuss the treatment of children in penal institutions. As a result of the OCA's advocacy, the Correctional Services Division began providing psychological assessments, medical examinations, and individual and group counseling to minors.

There was no societal pattern of abuse of children; however, there were numerous reports of rape and incest, particularly in inner cities. NGOs reported that inner-city gang leaders and sometimes even fathers initiated sex with young girls as a "right." During the year there were 462 cases of carnal abuse reported, a decrease of 9 percent from 2007. The Government expressed concern about child abuse and acknowledged that incidents were underreported. The CDA held training sessions to familiarize police officers with the rights of children and to prepare them to enforce the Child Care and Protection Act.

Child prostitution and trafficking for the purpose of sexual exploitation were problems.

Trafficking in Persons.—The law prohibits all forms of trafficking; however, persons were trafficked to, from, through, and within the country. Most victims were poor women and girls, but also increasingly boys, who were trafficked from rural to urban and tourist areas for commercial exploitation. Women were reportedly trafficked from the Dominican Republic, Russia, and Eastern Europe, while some women and girls were trafficked to Canada, the United States, the Bahamas, and other Caribbean destinations. Children trafficked within the country may also be subjected to domestic servitude and forced labor.

In 2006 the International Labor Organization (ILO) estimated that several hundred minors were involved in the country's sex trade. Victims were lured by the promise of jobs and education. Some victims were trafficked by family members, while others voluntarily answered employment advertisements without knowing what the job actually entailed.

The Child Care and Protection Act specifically prohibits the sale or trafficking of minors and provides that violators receive the maximum penalty under the law. This law subjects convicted traffickers to a fine or imprisonment with hard labor for a term not exceeding 10 years, or both. The Trafficking in Persons Act provides penalties of up to 10 years' imprisonment for permitting or facilitating trafficking. It also allows for restitution to the victim. Three major crime hot lines were available to receive reports of trafficking 24 hours per day.

During the year the DPP convicted two persons for conspiracy to traffic in persons. Four additional trafficking cases were pending in the courts at year's end.

The Government's National Task Force against Trafficking in Persons, led by the Ministry of Justice, has the lead on all trafficking issues. A specialized police antitrafficking unit within the Organized Crime Division of the JCF compiles data on trafficking investigations and related legal proceedings.

Law enforcement training taught ways to identify trafficking victims and directed police not to charge the victims with crimes such as solicitation or pandering. In January the International Organization for Migration (IOM) helped repatriate a foreign victim of trafficking who had been doing uncompensated domestic work in the home of another national from her country. The police trafficking unit, the DPP, and the IOM cooperated to assist the victim, who was placed in a women's shelter before she was able to return to her country.

The CDA managed facilities for at-risk children, and the Government provided funding to NGOs that worked to reintegrate child laborers who were victims of trafficking.

The Bureau of Women's Affairs integrated trafficking topics into its public education program. The IOM worked closely with government officials in conducting training and in 2007 published a manual on prevention and suppression of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There were no laws prohibiting discrimination against persons with disabilities or mandating accessibility for persons with disabilities, and such persons encountered discrimination in employment and denial of access to schools. Health care and other state services were reported to be universally available. Several government agencies and NGOs provided services and employment to

various groups of persons with disabilities, but there was no government agency specifically charged with assisting persons with disabilities.

Other Societal Abuses and Discrimination.—The law prohibits “acts of gross indecency” (generally interpreted as any kind of physical intimacy) between men, in public or in private, which are punishable by 10 years in prison.

The Jamaica Forum for Lesbians, All Sexuals, and Gays (J-FLAG) continued to report human rights abuses, including arbitrary detention, mob attacks, stabbings, harassment of homosexual patients by hospital and prison staff, and targeted shootings of homosexuals. Police often did not investigate such incidents.

J-FLAG members also suffered attacks on their property, home intrusions as people demanded to know the number of persons and beds in a home, and in one instance, a fire bombing at the home of two men that left one of them with burns on more than 60 percent of his body. In addition homosexuals faced death and arson threats, with some of these directed at the J-FLAG offices. J-FLAG did not publicize its location due to such threats, and its officials reported feeling unsafe having meetings with clients at the organization’s office.

In February a mob broke into the home of four presumed homosexual men, killing three of them. The fourth was missing and presumed dead. The men had reported being harassed for their perceived sexual orientation prior to the fatal attack. Police made some inquiries in the case but did not conduct a full investigation or make any arrests by year’s end.

The trial of six suspects arrested for the 2005 robbery and murder of Lenford “Steve” Harvey, initially begun and then postponed in 2007, was scheduled to recommence in January 2009.

Male inmates deemed by prison wardens to be homosexual were held in a separate facility for their protection. The method used for determining their sexual orientation was subjective and not regulated by the prison system, although inmates were said to confirm their homosexuality for their own safety. There were numerous reports of violence against homosexual inmates, perpetrated by the wardens and by other inmates, but few inmates sought recourse through the prison system.

Homosexual men were hesitant to report incidents against them because of fear for their physical well-being. Lesbian women were subject to sexual assault as well as other physical attacks. Human rights NGOs and government entities agreed that brutality against homosexuals, primarily by private citizens, was widespread in the community.

No laws protect persons living with HIV/AIDS from discrimination. Human rights NGOs reported severe stigma and discrimination against this group. The ILO worked with the Ministry of Labor on a program to reduce the stigma of HIV/AIDS in the workplace and to assist employers in designing policies for workers with HIV/AIDS. Although health care facilities were prepared to handle patients with HIV/AIDS, health care workers often neglected such patients.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form or join a trade union, and unions functioned freely and independently of the Government. Approximately 20 percent of the work force of 1.2 million was unionized. Some union workers charged that private sector employers laid them off and then rehired them as contractors with reduced pay and benefits, a practice that was legal as long as workers received severance pay.

The law neither authorizes nor prohibits the right to strike, and strikes occurred. Striking workers could interrupt work without criminal liability but could not be assured of keeping their jobs, although there were no reports of any workers losing their jobs due to strike action during the year. Workers in 10 broad categories of “essential services” are prohibited from striking, a provision the ILO repeatedly criticized as overly broad.

b. The Right to Organize and Bargain Collectively.—The law permits unions to conduct their activities without interference, and the Government protected this right in practice. An independent Industrial Disputes Tribunal (IDT) hears cases when management and labor fail to reach agreement. Any cases not resolved by the IDT pass to the civil courts. The IDT generally handled 35 to 40 cases each year. Most were decided within 90 days, but some took longer to resolve due to the complexity of the dispute or delays requested by the parties.

Collective bargaining is denied to a bargaining unit if no single union represents at least 40 percent of the workers in the unit in question or when the union seeking recognition for collective bargaining purposes does not obtain 50 percent of the votes of the total number of workers (whether or not they are affiliated with the union).

The law allows for union activity and prohibits antiunion discrimination. The law prohibits firing an employee for union activity, and employers respected the law in practice. Union organizers and members are entitled to full legal protections that were effectively enforced.

Domestic labor laws applied equally to the “free zones” (export processing zones), but there were no unionized companies in any of the three publicly owned zones. Organizers attributed this circumstance to resistance to organizing efforts by foreign owners in the zones, asserting that there was an unwritten agreement among them to prevent free zone workers from participating in trade unions. According to the International Trade Union Confederation, unions reported that many employers continued to prevent workers from seeking union representation. Employer-controlled “workers’ councils” handled grievance resolution in most of these companies but did not negotiate wages and conditions, which were set by management.

c. Prohibition of Forced or Compulsory Labor.—The law does not specifically prohibit forced or compulsory labor, including by children, and there were reports of child prostitution and of children trafficked into domestic servitude and forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Child Care and Protection Act provides that children under the age of 12 shall not be employed except by parents or guardians and that such employment may be only in domestic, agricultural, or horticultural work. It also prohibits children under the age of 15 from industrial employment. The police are mandated to conduct child labor inspections, and the CDA is charged with finding places of safety for children. However, according to CDA officials, resources to investigate exploitive child labor were insufficient. Children under the age of 12 peddled goods and services or begged on city streets. There were also reports that underage children were employed illegally in fishing communities, prostitution, and domestic servitude.

e. Acceptable Conditions of Work.—The Government sets the minimum wage in a transparent process after receiving recommendations from the tripartite National Minimum Wage Advisory Commission. The minimum wage was J\$3,700 (approximately \$51) per week for all workers except private security guards, whose minimum was J\$5,500 (approximately \$76) per week. The minimum wage did not provide a decent standard of living for a worker and family, but most workers were paid more than the legal minimum. The Ministry of Labor administered and enforced the minimum wage.

The law provides for a standard 40-hour workweek and mandates at least one day of rest per week. Work in excess of 40 hours per week or eight hours per day must be compensated at overtime rates, a provision that was generally respected, except by some security guard companies. The law does not prohibit excessive compulsory overtime, and some employees, including security guards, regularly were required to work 12-hour shifts without overtime compensation. There were differing practices among security guard companies, but workers were generally not paid for overtime unless they worked more than 12 hours. Historically the JCF was exempt from the 40-hour workweek; however, in August the Ministry of National Security signed a new work contract that included a mandatory 40-hour week, with retroactive lump sum payments for overtime worked since April.

The Ministry of Labor’s Industrial Safety Division sets and enforces industrial health and safety standards, mainly through factory inspections. Insufficient staffing in the Ministries of Labor, Finance, National Security, and Public Service contributed to the difficulties in enforcing workplace regulations. The Industrial Safety Division conducted inspections, investigated accidents, warned violators, and gave them a time period in which to correct the violation. If the violation was not corrected within that time, the violator was taken to court.

The law provides workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment if they are trade union members or covered by the Factories Act. The law does not specifically protect other categories of workers in those circumstances.

MEXICO

Mexico, with a population of 110 million, is a federal republic composed of 31 states and a federal district, with an elected president and bicameral legislature. President Felipe Calderon of the National Action Party (PAN) was elected in 2006 to a six-year term in generally free and fair multiparty elections. The country continued its fight against organized crime, which involved frequent clashes between security forces and drug traffickers. While civilian authorities generally maintained

effective control of the security forces, there were instances in which elements of these forces, acted independently of government authority.

The Government generally respected and promoted human rights at the national level by investigating, prosecuting, and sentencing public officials and members of the security forces. However, the following human rights problems were reported: unlawful killings by security forces; kidnappings; physical abuse; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency, and lack of transparency in the judicial system; confessions coerced through torture; criminal intimidation of journalists leading to self-censorship; impunity and corruption at all levels of government; domestic violence against women, often perpetrated with impunity; violence, including killings, against women; trafficking in persons, sometimes allegedly with official involvement; social and economic discrimination against some members of the indigenous population; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were reports that security forces, acting both within and outside the line of duty, killed several persons during the year. A significant number of these incidents occurred at checkpoints associated with the Government's efforts to combat organized crime and often reflected poor training.

On July 11, the National Human Rights Commission (CNDH) issued eight recommendations concerning allegations of human rights violations committed by armed forces during counternarcotics operations. Three of the recommendations dealt with unlawful or arbitrary deprivation of life by armed forces members. The military accepted all eight of these recommendations and affirmed its commitment to collaborating with the CNDH on outstanding investigations. These recommendations related to the following cases:

On January 11, soldiers from the 12th infantry battalion in Michoacan allegedly opened fire on a pick-up truck, killing a minor and injuring an adult passenger. According to the Human Rights Commission in Michoacan, the National Defense Secretariat (SEDENA) awarded civil damages to the family of the deceased victim; the criminal case against the soldier involved remained under investigation.

On February 16, soldiers at the gate of a military installation in Reynosa, Tamaulipas, opened fire on a vehicle that failed to stop at a checkpoint, killing the driver and injuring a passenger. SEDENA assumed responsibility for investigating the case; no further information was available at year's end.

On March 26, soldiers at a checkpoint in Badiraguato, Sinaloa, allegedly opened fire on a group of civilians, killing four and injuring another. On April 11, SEDENA announced the arrest of five army officials in connection with the case. No further information was available on this case at year's end.

Separately, the CNDH announced an investigation into an incident that occurred on June 8, when military officials in Chihuahua opened fire against a vehicle. Allegedly, the vehicle had failed to stop at a military checkpoint and ran over a soldier when its brakes failed. As a result of this incident, four persons died, including two occupants of the vehicle, one soldier, and another civilian who was near the area. SEDENA maintained that it had found weapons inside the vehicle and was investigating the case at year's end.

On July 22, soldiers in the state of Aguascalientes shot and killed 17-year-old Guillermo Soto Garcia as he was traveling in a vehicle with three other teenagers. The Aguascalientes Attorney General's Office was investigating the case at year's end.

The military had not completed an investigation of the June 2007 incident in which army soldiers allegedly shot and killed a civilian family of five at a checkpoint in Sinaloa. At year's end 19 soldiers remained in custody and were being held pending trial in a military court.

The state and federal investigations into allegations of official abuses or killings related to the 2006 political conflict in the state of Oaxaca, which directly or indirectly caused an estimated 26 civilian deaths, continued at year's end.

Four municipal police officers remained in custody on charges related to the 2006 death of Jose Gabriel Velazquez Perez in Chiapa de Corzo, Chiapas.

President Calderon remained committed to dismantling the country's narcotics trafficking cartels. The Government mobilized more than 27,000 army troops and federal policemen in joint operations against drug traffickers in 10 states. According to the Attorney General's Office, rival drug cartels killed approximately 6,262 per-

sons. SEDENA estimated that at least 522 civilian law enforcement and military personnel were killed in the context of fighting organized crime.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances. In several cases of reported disappearances, police had detained the missing persons incommunicado for several days. As in previous years, there were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level. On April 1 the Inter-American Commission on Human Rights announced its decision to forward to the Inter-American Court of Human Rights for consideration the case of Rosendo Radilla Pacheco, a man who was a community leader of the Atoyac community in the state of Guerrero when he was allegedly detained by the military in 1974 and disappeared.

On April 24, members of the Popular Revolutionary Army (EPR) requested a dialogue with the Government to discuss its investigation into the disappearance of two EPR members in 2007. Authorities created a commission consisting of academic and nongovernmental organization (NGO) representatives identified in the EPR communique. In August this commission urged the Government to deepen its investigation into the disappearances.

Kidnapping remained a serious problem for persons of all socioeconomic levels. The Federal Attorney General's Office (PGR) registered 326 kidnappings committed throughout the country during the first five months of the year. Many cases continued, however, to go unreported, as families negotiated directly with kidnappers. The number of reported cases to authorities was believed to be far less than the actual number of kidnappings.

In June individuals kidnapped and killed Fernando Marti, the 14-year-old son of a prominent businessman and his bodyguard when they were stopped by armed men dressed as federal police officers. On August 1, Fernando Marti's body was found in the trunk of a car. On September 8, authorities arrested three individuals in connection with the crime, two of whom were current or former members of federal police units.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment and stipulates that confessions obtained through illicit means such as torture are not admissible as evidence in court; similarly inadmissible is any confession made directly to police. To be admissible a confession must be formally recorded before a prosecutor with the acknowledgement that it is being made voluntarily and after examination by a doctor confirming that the person has not been subjected to physical abuse. On June 17, President Calderon signed legislation containing a number of constitutional amendments to pave the way for far-reaching justice system reform. The reform legislation requires that confessions need to be made before a judge, thus providing for a substantially more transparent judicial process with a diminished reliance on confessions.

The Government took steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses. The National Mechanism to Prevent Torture, created in 2007, has authority to visit detention centers nationwide. From September 2007 to February 2008, representatives of this office visited more than 100 law enforcement facilities, including prisons and detention centers. Officials in 29 federal entities were trained by the PGR in the use of a medical and psychological certification process; as of 2007 SEDENA had provided training to 702 individuals through 20 courses on specialist medical examination of victims of torture and abuse.

Nonetheless, cruel treatment and physical abuse in particular continued to be a serious problem, particularly among state and local law enforcement elements. During the year the CNDH received 588 complaints of cruel and/or degrading treatment and 21 torture complaints, compared with 395 complaints of cruel and/or degrading treatment and four torture complaints in 2007. While law enforcement officials were punished for lesser offenses, human rights groups, who linked physical abuse to the pervasiveness of arbitrary detention, maintained that no official had ever been convicted of torture, giving rise to concern about impunity. Despite the law's provisions to the contrary, police and prosecutors often attempted to justify an arrest by forcibly securing a confession to a crime. The CNDH and NGOs also expressed concern about alleged human rights abuses committed by some military units deployed in counternarcotics operations and cited several incidents implicating military units in killings, illegal searches, rapes, and arbitrary detentions of individuals.

On March 31, army soldiers in Ciudad Juarez detained local police officers and took them to a local army base without providing any explanation. The police alleged that nine female officers were blindfolded and undressed in front of members

of the military at the base. In July the Chihuahua state attorney general filed a complaint with SEDENA and the PGR on behalf of the alleged victims. No further information was available at year's end.

Five of the eight recommendations the CNDH issued on July 11 and a separate recommendation issued on November 28 involved six previously unreported 2007 allegations of arbitrary detention and physical abuse committed by soldiers in the states of Michoacan and Sinaloa.

The CNDH was also investigating allegations that three individuals detained by federal authorities in connection with the September 15 grenade attack in Morelia, which killed eight civilians, had been mistreated while in custody.

Although SEDENA accepted the CNDH's recommendation and agreed to investigate, there were no developments in a May 2007 case involving arbitrary detention and alleged torture of seven adults and one child by military officials at a military base in Michoacan.

There were no developments in the investigation by a National Supreme Court (SCJN) commission into the use of force by federal and state police forces during the 2006 confrontation in Oaxaca. According to one NGO, three individuals remained under detention dating back to the first series of Oaxacan disturbances between May 2006 and July 2007.

With respect to the 2006 San Salvador Atenco confrontation between local vendors and state and federal police agents in Mexico State during which two individuals were killed and upwards of 47 women were taken into custody with many allegedly raped by police officials, the Special Prosecutor for Crimes against Women initially reported the indictment of 21 policemen, of whom 15 were expelled from the police force and six remained under investigation. On September 23, a superior court called for the dismissal of a 16th policeman, Doroteo Blas Marcelo, and ordered him to pay damages to one of the victims. The other five policemen were charged with abuse of authority and faced criminal proceedings.

Prison and Detention Center Conditions.—Prison conditions remained poor. During the year the CNDH and other NGOs reported that corruption, overcrowding, alcoholism, and drug addiction were prevalent in most facilities. Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Poorly trained, underpaid, and corrupt guards staffed most prisons. Authorities occasionally placed prisoners in solitary confinement for indefinite periods; prisoners often had to bribe guards to acquire food, medicine, and other necessities. Prison overcrowding continued to be a common problem. In August the Senate's Commission of Public Security estimated 218,000 prisoners occupied the country's 441 penal facilities, approximately 30 percent above capacity.

Inmates in many prisons exercised significant authority, displacing prison officials and creating general insecurity, leading to inmate deaths, often at the hands of other prisoners. During the year at least five killings and a suicide occurred nationwide among the federal prison population. In September two prison riots in Tijuana, the first provoked by reports that guards had allegedly beaten to death one of the detainees, resulted in the death of 20 prisoners. Three officials in charge of the penitentiary system in the state, including the head of the Tijuana Prison, were removed.

Pretrial detainees were routinely held together with convicted criminals. The CNDH noted that conditions for women prisoners were inferior to those for men, particularly for women who lived with their children in prison. There were anecdotal reports of sexual abuse of women while in detention, although there were no authoritative studies on the scope of the problem.

The Government permitted independent monitoring of prison conditions by human rights organizations. The International Committee of the Red Cross (ICRC), the CNDH, and state human rights commissions visited detainees during the year. The CNDH reported making 240 prison visits during the year: 97 in response to complaints, 43 in response to requests from local human rights organizations, and 100 in conjunction with the National Mechanism to Prevent Torture. Separately, the CNDH opened 357 complaint cases based on concerns about human rights violations against prisoners, ultimately confirming 126 of the complaints.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention as well as sponsoring or covering up an illegal detention; however, security forces often ignored these provisions.

Role of the Police and Security Apparatus.—The federal, state, and municipal police forces included approximately 500,000 agents. At the state and local level, police are generally divided into "preventive" and "judicial" police. Preventive police maintain order and public security and generally do not investigate crimes. Judicial po-

lice serve as the investigative force under the authority and direction of the public ministries (prosecutors' offices).

Similarly, at the federal level, uniformed officers, such as those who patrol the federal highways, have been under the command of the Secretary of Public Security (SSP), while investigating agents have been part of the PGR. The justice sector reform legislation passed in June called for a unified, centralized command structure of all federal police agencies under the SSP, but the legislation had not been implemented at year's end. The military is responsible for external security but also has significant domestic security responsibilities, particularly in combating drug trafficking and responding to natural disasters.

Corruption continued to be a problem, as many police, particularly at the state and local level, were involved in kidnapping, extortion, or providing protection for, or acting directly on behalf of, organized crime and drug traffickers. Impunity was pervasive and contributed to the continued reluctance of many victims to file complaints. Responsibility for investigating federal police abuse falls under the purview of the PGR and the Secretariat of Public Administration, depending on the type of offense.

The Congress enacted legislation establishing a four-year deadline to vet all of the country's 2,500 police forces. By year's end the Government's anticorruption effort, Operation Cleanup, resulted in the arrest of Rodolfo de la Guardia Garcia, a former top official from the Federal Investigative Agency (AFI); Ricardo Gutierrez Vargas, AFI's director for international police affairs and head of Interpol in the country; and Noe Ramirez Mandujano, the former head of the PGR's Organized Crime Office (SIEDO).

The constitution provides for military jurisdiction for crimes and offenses against military discipline. In cases in which a member of the military is arrested by civil authorities, the military may request the immediate transfer of the case to military jurisdiction. Many NGOs maintained that human rights abuse cases involving military personnel were not handled transparently by the military justice system, giving rise to concerns about impunity in these cases.

The CNDH also can receive complaints, but its recommendations are nonbinding and carry no legal weight unless a government entity formally accepts the recommendation, in which case it is legally bound to take appropriate action. A similar mechanism exists with respect to the state human rights commissions, which maintain autonomy from the CNDH.

The CNDH provided human rights training for security and military forces, and the Government continued professional training of its law enforcement officials. In 2007 SEDENA held 15 courses to train 1,066 personnel on human rights and international humanitarian rights and engaged an additional 59,880 personnel in 284 conferences on the same topics. Additionally, SEDENA routinely included in its operations directives to promote respect for human rights during operations.

In the first six months of the year, SEDENA recruited 723 women-four times the number recruited during the same period in 2007. In January SEDENA created the Directorate General for Human Rights to promote greater respect for human rights and address complaints by public entities and international organizations; its responsibilities include responding to requests from the CNDH regarding procedures and providing status reports on SEDENA's implementation of the CNDH recommendations. Human rights NGOs, however, complained about a lack of access to the new directorate and maintained it had done little to improve SEDENA's transparency on cases of human rights abuse.

During the year the SSP worked closely with the ICRC to train and certify federal officials on international standards of human rights. Additionally, SSP officials also conducted human rights training and workshops in conjunction with the International Organization for Migration, the CNDH, and experts from the International Criminal Court. In April the SSP began implementing Plataforma Mexico in coordination with the National Autonomous University of Mexico. Plataforma Mexico enhanced law enforcement information exchanges among police and provided distance learning training in the area of human rights to federal police officers throughout the country. PGR officials estimated 10,000 federal police officers had been trained through this initiative. The CNDH also provided human rights training to 6,757 military personnel.

On August 21, President Calderon met with the mayor of Mexico City, 31 state governors, senior legislators, judicial officials, and civil society leaders to reach agreement on a 75-point package of security measures to fight crime. In the following months, the Government took steps to purge the security forces of senior-level corrupt officials, secure a significant increase in the security budget, and win approval of penal code reform legislation.

Arrest and Detention.—Judicial reform legislation enacted on June 17 provides that defendants are innocent until proven guilty. In most cases persons must be presented to a judge, along with sufficient evidence to justify their continued detention, within 48 hours of their arrest. In organized crime cases (involving three or more persons who organize themselves for the purpose of committing certain crimes), suspects may be held for up to 96 hours before being presented to a judge. However, recognizing the complex nature of organized crime, the legislation stipulates that certain suspects may be held under house arrest for up to 80 days, with the approval of a judge, prior to the filing of formal charges. Human rights NGOs maintained that this form of pretrial detention violates due process, facilitates torture, and could potentially be applied to social movements.

The law provides time limits within which an accused person must be tried. However, due to caseloads which far exceeded the capacity of the current system, such time limits were often disregarded. In addition pretrial release on bond is only available in cases in which the charges are not considered a serious crime. As a result lengthy pretrial detention remained a problem, with the media reporting that accused persons were sometimes held several years without a trial.

While detainees were usually allowed prompt access to family members and to counsel, there were complaints that, in some cases, police held persons incommunicado for several days made arrests arbitrarily and without a warrant. The CNDH received 864 complaints of arbitrary detention during the year.

In December the Guerrero State Human Rights Commission traced the abductions of three union organizers to the Attorney General's Office in Acapulco.

Also in December Amnesty International issued an alert conveying concern about the safety of Javier Torres Cruz, a member of a grassroots environmental NGO in Guerrero, who had allegedly been abducted and released earlier in the month by military personnel.

e. Denial of Fair Public Trial.—Although the judiciary is independent, weaknesses in the system make court decisions susceptible to improper influence by both private and public entities, particularly at the state and local level. Corruption, inefficiency, and lack of transparency continued to be major problems in the justice system. Criminal elements also attacked members of the judicial system. The federal court system consists of the Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts. State judicial systems consist of trial-level courts and appeals courts with jurisdiction over family, criminal, civil, and administrative matters.

The investigation into the 2006 slaying of federal Judge Rene Hilario Nieto Contreras in Toluca continued at year's end. Judge Nieto had handled cases involving the Gulf and Juarez cartels.

Trial Procedures.—The legal system is a hybrid system. While it incorporates some aspects of common law and accusatory-style systems, it draws primarily from traditional European code-based, inquisitorial systems. A typical trial consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties involved have access to the official file, but only by special motion.

The law provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the Government generally respected these rights in practice. In most cases court hearings were open to the public.

While the law provides defendants with the right to an attorney at all stages of criminal proceedings, in practice this only meant that authorities had to appoint a "person of confidence," who was not required to meet any particular legal qualifications, to represent a defendant. The public defender system was not adequate to meet demand, especially at the state level. Public defender services were placed either in the judicial or executive branch; there were no autonomous public defender services. According to Amnesty International, most criminal suspects did not receive representation until after they were placed under judicial authority, thus making individuals vulnerable to coercion to sign false statements before being presented to a judge.

Although the law provides for translation services from Spanish to indigenous languages to be available at all stages of the criminal process, this generally was not done. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases, and some suspects were convicted without fully understanding the documents they were required to sign.

Despite enactment of judicial reform legislation on June 17, judges reportedly continued to allow statements coerced through torture to be used as evidence against

the accused, a practice particularly subject to abuse because confessions were often the primary evidence in criminal convictions (*See* Section 1.c.). NGOs asserted that judges often gave greater evidentiary value to the first declaration of a defendant, often given in the absence of legal representation. This provided prosecutors an incentive to obtain an incriminating first confession and made it difficult for defendants to disavow such declarations. For their part law enforcement officials complained that defendants frequently made baseless claims of coerced confessions as a way to win acquittal.

The justice reform that the president signed into law in June also facilitates transition to an oral trial system, establishes strict guidelines on the use of confessions, allows consensual monitoring of telephone calls, and gives police more responsibility for conducting investigations. The reform stipulates that all hearings and trials must be conducted by a judge and under the principles of public access, immediacy, confrontation, and cross-examination, promoting greater transparency and allowing defendants to challenge their accusers. Constitutional reforms associated with the new justice system were ratified by the congresses of 24 states. All state and federal jurisdictions must conform to the new judicial system and implement oral trial procedures within eight years. Criminal procedural codes in the states of Chihuahua, Oaxaca, Zacatecas, Northern Baja California, and Morelos already permit oral trials for all crimes.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to seek damages for a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the law prohibits such practices and requires search warrants, authorities occasionally disregarded these provisions. The CNDH received 952 complaints of illegal searches through December 15.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The majority of newspapers and television and radio stations were privately owned, and the Government had minimal presence in the ownership of news media.

While federal legislation eliminated criminal defamation, libel, and slander, journalists remained vulnerable to threats of imprisonment at the state level because most states have criminal libel laws that are not superseded by federal law.

Despite Federal Government support for freedom of the press, many journalists worked in a dangerous environment. Reporters covering the various organized criminal organizations and associated corrupt public officials acknowledged practicing self-censorship, recognizing the danger investigative journalism posed to them and to their families.

According to local NGOs, only 30 percent of attacks against journalists were reported to authorities, of which only 13 percent resulted in a trial. The PGR's Office of the Special Prosecutor for Crimes Against Journalists (FEADP) accepted jurisdiction over 248 cases since its creation in 2006. FEADP estimated that of the complaints it received from journalist or media outlets, 63 percent involved threats from private citizens, 21 percent from organized crime elements, and 16 percent from public officials. During the year six journalists were killed and three disappeared. NGOs called on the Government to strengthen FEADP and provide it greater resources.

Prominent cases involving journalists included the following:

On April 7, Felicitas Martinez and Teresa Bautista, reporters and commentators on a community radio station in rural Oaxaca, were shot and killed. Residents of their community blamed members of the local political party Popular United Party for the killing. An investigation into the case by FEADP continued at year's end.

On June 19, police officers in the Benito Juarez Municipality of Nuevo Leon allegedly attacked six print and broadcast reporters covering a demonstration against the local government. Two police officers and one civilian were detained in connection with this case. An investigation into the case continued at year's end.

On September 15, Federal Preventive Police (PFP) opened fire on journalist Carlos Solis Reina and his companion, Luis Alberto Salas, as they were driving in Matamoros, Tamaulipas. The gunfire hit and killed a young girl in the vicinity. The two were arrested for the girl's death; they alleged that they were tortured on the way to SIEDO offices. Solis had recently published an article critical of the federal police.

On November 13, Armando Rodriguez, a veteran police reporter with the newspaper *El Diario*, in the border city of Ciudad Juarez, was shot to death outside his home. One of the last stories Rodriguez covered was the prior week's discovery of a decapitated body hung from a bridge in Juarez.

An investigation continued at year's end into the April 2007 death of Amado Ramirez, an Acapulco-based correspondent for Televisa and Radiorama. A suspect detained in 2007 remained imprisoned at year's end.

In September the CNDH issued a report criticizing the federal and Oaxacan state investigations into the 2006 killing of journalist Bradley Will, who was covering the Oaxaca disturbances when an unknown assailant shot and killed him. The CNDH's report implicated Oaxacan state police officials. Meanwhile, on October 16, the Government arrested three individuals for Will's killing, charging Juan Manuel Martinez as the gunman and Octavio Perez and Hugo Jarid Colmenares Leyva with helping to cover up the crime. Perez and Colmenares Leyva were released on bail on October 18. A judge ruled separately there was sufficient evidence to detain Martinez pending trial.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that in 2007 there were 21 Internet users per 100 inhabitants.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occurred frequently throughout the country. Several times during the year demonstrators clashed violently with police, and subsequent arrests led to complaints of arbitrary detention, use of excessive force, physical abuse, rape, and sometimes killings.

An October 3 confrontation between protesters and federal and state police in the state of Chiapas allegedly resulted in the deaths of six individuals and injury to 17 others. Protesters had taken control of Lagos de Monte Bello National Park in Chiapas and held 36 police hostage. As a result of the investigation by the Chiapas Ministry of Justice, the police officials involved were charged with criminal offenses ranging from abuse of authority to aggravated homicide.

In June the Government signed an agreement with the ICRC on training and certification of Interior Ministry personnel in such areas as the legitimate use of force, the use of firearms, and arrest and detention.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. Although social, cultural, and economic disputes sometimes took on religious overtones, particularly in the south, there were no reports of religious-based conflicts within or among communities during the year. However, poor enforcement mechanisms, local land disputes, and family traditions contributed to discrimination against some religious groups, especially in the south.

The constitution bars members of the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the state.

Religious associations must register with the Government to apply for official building permits, receive tax exemptions, and hold religious meetings outside their places of worship. Although the Government may reject applications because of incomplete documentation, the registration process was routine.

Societal Abuses and Discrimination.—In the central and southern regions, some leaders of predominantly Catholic indigenous communities regarded evangelical groups as unwelcome outside influences and as economic and political threats. These leaders sometimes ordered or acquiesced in the harassment or expulsion of individuals belonging chiefly to Protestant evangelical groups. Whether a group was displaced forcibly or left voluntarily to avoid harassment, it often found itself living on the outskirts of another local community in circumstances even worse than the extremely poor conditions common to the region.

If parties present a religious dispute to the General Directorate of Religious Associations (GDAR) in the Secretariat of the Interior, the GDAR attempts to mediate a solution. If mediation fails, the parties may submit the issue to the GDAR for binding arbitration. During the year the GDAR translated the Religious Association Law into 16 indigenous languages.

The Jewish community numbered approximately 50,000 persons. Although the GDAR received no reports of anti-Semitic incidents during the year, there were several unconfirmed incidents reported through local press sources.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

The law does not permit forced exile, and it was not practiced.

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

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government received no request for asylum or refugee status during the year.

Although in many instances the National Migration Institute (INM) eventually released Cuban migrants, in some cases they were involuntarily returned to Cuba. In October the country signed a migration agreement with Cuba to facilitate the repatriation of illegal Cubans being detained, and in December, consistent with the agreement, the country repatriated approximately 41 Cubans.

The Government provided temporary protection to individuals who may not have qualified as refugees under the 1951 Convention and its 1967 protocol.

On August 12, two Salvadoran nationals were granted humanitarian visas after being assaulted by members of the AFI in Tapachula.

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

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

Elections and Political Participation.—The closely contested presidential and congressional elections of July 2006 were determined to be generally free and fair by the majority of neutral observers, including European Union representatives and local and international civil society organizations.

The September 2007 electoral reform bill prohibits all public and private funding of political advertisements on television or radio outside of time slots established by a respective state, requires placement of all political campaign advertisements through the Federal Elections Institute (IFE), and stipulates allocation of airtime among registered political parties based on their share of the vote in the most recent election. The law also prohibits negative campaign messages and establishes public spending limits for presidential elections. Recognition as a national political party by IFE is based on having won at least 2 percent of the vote in the last national election.

There were 24 women in the 128-seat Senate and 116 women in the 500-seat lower house. For the second session of Congress, a woman held the presidency of the Chamber of Deputies. Two female justices sat on the 11-member Supreme Court. There were seven women in the 21-member cabinet, compared with one in the previous administration. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties continued their efforts to increase the number of women running for elected office. Some utilized quotas requiring that a certain percentage of candidates on a party list be female.

There were no established quotas for increased participation of indigenous groups in the legislative body. There were no statistics available regarding minority participation in government. The law provides for the right of indigenous people to elect representatives to local office according to “usages and customs” law, rather than federal and state electoral law. Traditional customs varied by village. In some villages women did not have the right to vote or hold office; in others they could vote but not hold office. In November 2007 the outgoing president of a municipal assembly in Oaxaca invoked “cultural customs” to throw out Eufrosina Cruz Mendoza’s election as a woman to the municipal assembly. In the face of alleged death threats, Cruz took her case to the Federal Electoral Tribunal and Congress, where it remained under review at year’s end.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the World Bank's Worldwide Governance Indicators and other indices reflected that corruption remained a problem at all levels of government, as some public officials continued to perpetrate bureaucratic abuses and some criminal acts with impunity. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces, but more sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties.

The INM reported that 196 migration officials had been involved in corruption networks and extortion of migrants since 2007. During the year seven INM officials were indicted on charges stemming from extortion of Cuban nationals in the state of Quintana Roo. On July 28, the CNDH issued a recommendation against INM officials in Nogales, Sonora, for allegedly extorting \$4,000 from two undocumented Honduran nationals.

Two officials from the Secretariat of Agricultural Reform were also forced to resign from their positions after an organization created by their spouses received monetary resources from the office that were budgeted for youth training programs and the creation of rural businesses.

Despite significant institutional and regulatory changes increasing government transparency, access to information continued to be difficult in some states. The Federal Institute of Access to Public Information (IFAI) has received over 356,591 requests for information since its creation in 2003. All states have passed laws to comply with the July 2007 constitutional reforms regarding access to information. However, only eight of the 31 states have signed a formal agreement with IFAI to make the information system on government operations, Infomex, available for petitions for state government information.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government made periodic attempts to engage civil society, particularly on security issues but also on human rights issues, by creating and reinvigorating a variety of mechanisms that encourage civil society's participation in policy debates and allow individuals to register complaints. Nevertheless, some NGOs complained that the Government did not take their concerns sufficiently into account and that they were unable to engage in constructive human rights discussions with military officials. They also maintained that some state and municipal authorities harassed human rights defenders during the year.

UN agencies and other international bodies freely operated in the country and publicly criticized the Government without restriction or sanction. The Office of the UN High Commission on Human Rights has an office in the country and in February signed an agreement with the Government to extend the office's mandate until 2012.

The semiautonomous CNDH, which received full and generous funding from the Federal Government, has the authority to investigate allegations of human rights violations and did so in practice. The CNDH operated without government or party interference. During the year the CNDH issued 67 recommendations in connection with human rights violations. The CNDH's recommendations are nonbinding and without legal weight unless formally accepted by a government entity. While some recommendations were accepted and implemented, others were rejected. Some NGOs praised the CNDH for bringing to light noteworthy human rights abuses but criticized it for not pressuring the Government sufficiently to comply with its recommendations.

The Organization of Indigenous Me'phaa People (OPIM), an NGO in the state of Guerrero, represents the interests of indigenous communities in the region. In March an OPIM member and four policemen were killed during a robbery. In April local authorities filed arrest warrants against 15 OPIM members and ultimately detained five on charges of premeditated homicide in connection with the killings. After its own inquiry, Amnesty International concluded the evidence against the five was fabricated and adopted them as prisoners of conscience.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. While the Government continued to make progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Women.—The law criminalizes rape, including spousal rape, imposing penalties of up to 20 years' imprisonment. However, rape victims rarely filed complaints with police, in part because of ineffective and unsupportive responses by the authorities toward victims, fear of publicity, and a perception that cases were unlikely to be prosecuted. Domestic violence was pervasive and mostly unexposed.

A 2006 National Survey on Household Relationships suggested that 67 percent of women over age 15 had suffered some abusive treatment. According to the NGO National Citizen Femicide Observatory, more than 1,014 girls, teenagers, and women were killed in the 19 months ending July 31; 43 percent were between the ages of 21 and 40.

A total of 432 killings and disappearances of women were recorded in Ciudad Juarez, Chihuahua, between 1993 and May 2008; an estimated 45 percent of them were resolved by courts, 17 percent were pending trial, and 33 percent remained under investigation. Gender-based violence continued in Ciudad Juarez, but at lower levels. There were at least 30 killings of women during the year; 14 of the cases remained under investigation, four suspects were awaiting trial, and four additional suspects were in prison awaiting indictments at year's end.

The law prohibits domestic violence, including spousal abuse, and stipulates fines equal to 30 to 180 days' pay and detention for up to 36 hours; however, actual sentences were normally lenient. A law (known as the General Law on Women's Access for Life Free of Violence) enacted in 2007 that obligates federal and local authorities to prevent, punish, and eradicate violence against women has been implemented in 23 of the country's 31 states.

During the year the Office of the Special Prosecutor for Violence Against Women broadened its mandate to include cases related to trafficking in persons, changing the name of the institution to the Office of the Special Prosecutor for Violence Against Women and Trafficking in Persons (FEVIMTRA). FEVIMTRA was staffed by 19 legal, administrative, and technical support professionals. No information was available regarding the number of domestic violence cases prosecuted during the year.

On the state level, laws sanctioning domestic violence, if in existence, are weak. Seven states do not criminalize domestic violence, and 15 states punish family violence only when it is a repeated offense. Victims generally did not report abuses for a variety of reasons, including fear of reprisal by their spouses, fear of becoming economically destitute if their spouses are imprisoned, and the general disinterest of authorities in prosecuting such offenses.

The Government's cabinet-level National Institute of Women (INMUJERES) reported that its national hot line established under the National Plan for a Life without Violence received more than 22,000 calls during the year. Although there were some government-funded shelters, civil society organizations and women rights groups maintained the vast majority of available shelters.

Prostitution is legal for adults and continued to be practiced widely. While pimping and prostitution of minors under age 18 are illegal, these offenses also were practiced widely, often with the collaboration or knowledge of police. The country was a destination for sex tourists and pedophiles, particularly from the United States. There are no specific laws against sex tourism, although federal law criminalizes corruption of minors, which is punishable by five to 10 years' imprisonment. Trafficking in women and minors for prostitution remained a problem.

Federal law prohibits sexual harassment and provides for fines of up to 40 days' minimum salary, but victims must press charges. Sexual harassment is criminalized in 26 of the country's 31 states and the Federal District, but in only 22 of these is a punishment contemplated when the perpetrator has a position of power. Reports of sexual harassment in the workplace were widespread, but victims were reluctant to come forward, and cases were difficult to prove.

The law provides that women shall have the same rights and obligations as men and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." According to INMUJERES, women earned 8.8 percent less than men, compared with 12.6 percent less in 2004; however, in some occupations the disparity reached 30 percent.

The law provides labor protection for pregnant women, which some employers reportedly sought to avoid by requiring pregnancy tests in preemployment physicals and by continuing to make inquiries into a woman's reproductive status.

Children.—The Government was committed to children's rights and maintained programs to support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers. Nevertheless, problems in children's health and education remained pervasive.

Child marriage remained a problem. Although there were no precise statistics, 12 percent of men and 27 percent of women married between the ages of 15 and 19, according to a 2003 report of the National Institute of Statistics and Geography.

The Government estimated that more than 22,000 children were sexually exploited each year. Sex tourism and sexual exploitation of minors were significant problems in the northern border area and in resort areas. While a 2007 criminal code amendment increases the penalty for commercial sexual exploitation of children, the UN Special Rapporteur on the Sale of Children and Young People indicated that the country did not have an effective system to protect and provide assistance to children and young people who were victims of sexual exploitation or any form of trafficking.

Trafficking in Persons.—While the law prohibits aspects of trafficking in persons, the country was a point of origin, transit, and destination for persons trafficked for sexual exploitation and labor.

The vast majority of non-Mexican trafficking victims came from Central America; lesser numbers came from Brazil, Cuba, Ecuador, China, Taiwan, South Korea, India, Argentina, and Eastern European countries. Victims were trafficked to the United States as well as to various destinations in the country. Women and children (both boys and girls), undocumented migrants from Central America, the poor, and indigenous groups were most at risk for trafficking.

Often poor and uneducated, trafficking victims were promised employment, but once isolated from family and home, they were forced into prostitution or to work in a factory or the agriculture sector. Other young female migrants recounted being robbed, beaten, and raped by members of criminal gangs and then forced to work in table dance bars or as prostitutes under threat of further harm to them or their families. Many illegal immigrants became victims of traffickers along the Guatemalan border, where the growing presence of gangs such as Mara Salvatrucha and Barrio 18 made the area especially dangerous for undocumented and unaccompanied women and children migrating north.

A 2007 law makes trafficking in persons a federal crime punishable by up to 12 years' imprisonment; the executive branch and Congress continued to discuss implementation procedures for the law.

There is no law related to interstate crimes of trafficking in persons, and the Federal Government does not automatically assume jurisdiction in cases of interstate trafficking. Twenty-one of 31 states criminalize certain aspects of trafficking. In addition to the provisions in the new federal antitrafficking legislation, the law criminalizes corruption of minors, exploitation of children for commercial sex, and child pornography; anyone convicted of a crime related to a minor under the age of 18 can be sentenced to five to 10 years' imprisonment. If the illicit activity involves a minor under age 16, the sentence is increased by one-third; if it involves a minor under 12 years of age, the sentence is increased by half. Persons who direct or facilitate such illicit activity for purposes of financial gain may be imprisoned for six to 10 years. When physical or psychological violence is used for sexual abuse or to profit from exploitation of a minor, the penalties are increased by up to one-half. The law also forbids forced or compulsory labor.

Securing convictions remained a challenge for the Government. During the year the Government pursued 14 trafficking cases, which involved a total of six minors. Although the Jalisco state attorney general dropped charges against Thomas White related to corruption of minors, he remained in state custody at year's end pending Mexican federal charges and a U.S. extradition request.

FEVIMTRA and the PFP are the lead operational and coordinating agencies for antitrafficking efforts. The INM, the PGR, the Center for Research on National Security, the CNDH, the Foreign Ministry, and the Integral Development of the Family (DIF) also played key roles in combating trafficking, protecting victims, and prosecuting traffickers.

There were credible reports that individual local, state, and federal police, immigration, and customs officials were involved in facilitating trafficking. There were no developments in the 2007 case of two INM officials who were arrested and accused by the PGR of leading an organized criminal group that trafficked persons, including undocumented workers.

While a partial framework existed to protect and provide social services to the victims of trafficking, undocumented migrants usually were deported before they could be identified and removed from the detention system. The Government increased cooperation with NGOs and international organizations, such as the International Organization for Migration, to build a network of trafficking victims' services and to identify potential trafficking victims. Although not specifically related to trafficking in persons, the SSP permitted trafficking victims to make anonymous reports

through two newly created hot lines. Victims could also make anonymous reports through an SSP-sponsored e-mail address. The Government supported general trafficking prevention campaigns for children and women and administered special assistance programs for children repatriated to the country. The CNDH initiated an antitrafficking campaign through print media and radio.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Although the law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other services, the Government did not effectively enforce all these stipulations. Most public buildings and facilities in Mexico City did not comply with the law requiring access for persons with disabilities. The Federal Government stated that entrances, exits, and hallways in all of its offices had been made accessible to persons with disabilities. The education system fell short of providing special education for children with disabilities, serving approximately 400,000 students of an estimated two million with disabilities in 2004; only 42 percent of municipalities in the country provided special education. Although the Government made progress in treating persons with mental health illnesses, government resources devoted to the problem remained inadequate.

The secretary of health collaborated with the secretaries of social development, labor, and public education, as well as with DIF and the Office for the Promotion and Social Integration of the Disabled, to protect the rights of persons with disabilities. The Government established offices and programs for the social integration of persons with disabilities, including a program to enhance job opportunities and launch an online portal to disseminate information and assistance.

Indigenous People.—The indigenous population has long been marginalized and subject to discrimination, particularly in the central and southern regions where indigenous people sometimes represent more than one-third of the total state populations. Indigenous communities remained largely outside the political and economic mainstream, due to longstanding patterns of social and economic marginalization. In many cases their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources was negligible. More than 130 NGOs were dedicated to the promotion and protection of indigenous rights.

Indigenous people did not live on autonomous reservations, although some indigenous communities exercised considerable local control over economic, political, and social matters. In the state of Oaxaca, for example, 70 percent of the 570 municipalities were governed according to the indigenous regime of "usages and customs" law, which did not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation. These communities applied traditional practices to resolve disputes and choose local officials. While such practices allowed communities to elect officials according to their traditions, "usages and customs" laws tended to exclude women from the political process and often infringed on other rights of women.

The Government generally showed respect for the desire of indigenous people to retain elements of their traditional culture. The law provides protections for indigenous people, and the Government provided support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. Budget constraints, however, prevented these measures from meeting the needs of most indigenous communities, as severe shortages in basic infrastructure as well as health and education services persisted.

The law provides that educational instruction shall be conducted in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous children spoke only their native languages, and the Government did not provide a sufficient number of native language or bilingual teachers.

Some groups claimed that the security forces used the war on drugs as a pretext to occasionally harass indigenous groups. During the year the CNDH received 161 complaints about human rights violations of the indigenous population. By year's end it had concluded an investigation into 119 of these complaints; 42 remained under investigation.

Other Societal Abuses and Discrimination.—The law prohibits several types of discrimination, including bias based on sexuality, and requires federal agencies to promote tolerance.

While homosexuals experienced a growing social acceptance, the National Center to Prevent and Control HIV/AIDS stated that discrimination persisted. Homophobic beliefs and practices were common, reflected principally in entertainment media programs and everyday attitudes. Reports of attacks against homosexuals and transsexuals were frequent.

On September 11 and September 23, the CNDH issued recommendations against the navy, the Secretariat of the Navy (SEMAR), and SEDENA for discrimination against military members with HIV; SEMAR and SEDENA accepted the recommendations.

There were credible reports that police, immigration, and customs officials frequently violated the rights of undocumented migrants, including committing rape. Undocumented migrants rarely filed charges in such cases because the authorities generally deported such persons who came to their attention. The INM has 48 detention centers with a total capacity of 3,958 specifically for undocumented migrants. The CNDH has an office in each of these facilities to ensure that human rights abuses are not committed against detainees. The CNDH received 227 complaints of violations of rights of migrants. Following his visit during the year, the Special Rapporteur on Migrants noted reports of corruption, violence against women, and trafficking in children.

There were no updates available in the January 2007 case of Jose Alejandro Solalinde, a priest, and 18 Central American migrants who were beaten and detained for seven hours by eight police officers in Ixtepec, Oaxaca.

Section 6. Worker Rights

a. The Right of Association.—Federal law provides workers the right to form and join trade unions of their choice, and workers exercised this right in practice. According to National Census Institute, during the year there were 43.9 million workers in the workforce, with 15.7 million in the formal sector—those paying taxes to the Mexican Institute for Social Security (IMSS).

Approximately 25 percent of the formal sector was unionized. By law 20 workers can form an independent union with a formal registration. However, administrative procedures for registration are complex and burdensome, and government labor boards frequently rejected independent unions' registration applications on technicalities. A new union also must challenge the government-sanctioned union, if one exists, for control of the collective bargaining contract. Credible reports continued to note the use of officially sanctioned protection contracts, which consist of an informal agreement whereby the company pays a monthly sum to the union—which often exists only on paper—in exchange for industrial peace. Workers never democratically chose such unions, and exclusion clauses in these protection contracts gave promanagement unions the right to demand the dismissal of a worker expelled from the union.

Representation elections are traditionally open; management and officials from the existing union are present with the presiding labor board official when workers openly and individually declare their votes. However, on September 10, SCJN ruled that secret ballots are required when two or more unions compete for recognition as the legal bargaining representative.

The law provides for the right to strike in both the public and private sector, and workers exercised this right. However, only officially recognized unions can call for a strike; before a strike can be considered legal, a union must receive approval of a strike notice from the appropriate labor authorities. These lengthy procedural requirements resulted in a large backlog of strike notice requests at the state level. Although few formal strikes actually occurred, informal stoppages of work by both union and nonunionized groups were fairly common.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and the Government protected this right in practice. Collective bargaining contracts covered approximately 7 percent of workers. There are no special laws or exemptions from labor laws in export processing zones. Management in the maquila (in bond export) sector and elsewhere sometimes used protection contracts to discourage workers from forming authentic unions at a company, in contravention of freedom of association principles. Such contracts were collective bargaining agreements negotiated by management and a representative of a so-called labor organization without the knowledge of the workforce, sometimes even prior to hiring a single worker in a new factory. Human Rights Watch attributed the problem to the lack of legally recognized independent unions that could negotiate strong and fair collective bargaining agreements.

One of the two remaining suspects at large in the April 2007 killing of migrant farm worker organizer Rafael Santiago Cruz of the Labor Organizing Committee of office in Nuevo Leon was detained briefly by Mexican authorities in May after attempting to enter the United States but was later released.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, such practices commonly persisted in both the rural and industrial sectors. Migrants and children were the most vulner-

able. There were numerous anecdotal reports of mistreatment and exploitation of Guatemalan and other migrant workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, including a prohibition of forced or compulsory labor; however, the Government did not effectively enforce such prohibitions. The law prohibits children under the age of 14 from working, and those between the ages of 14 and 16 may work only limited hours with parental permission, with no night or hazardous work. According to the UN Children's Fund's most recent statistics, 16 percent of children between the ages of five and 14 were involved in child labor activities. Child labor was most prominent in the areas of sexual exploitation and agriculture.

The Secretariat of Labor (STPS), which is charged with protecting worker rights, stated that its mandate does not extend to the area of child labor. The Secretariat for Social Development, the Attorney General's Office, and the Family Development Institute each have responsibility for enforcement of child labor laws or intervening in cases where such laws are violated. Government enforcement was reasonably effective at large and medium-sized companies, especially in the maquila sector and other industries under federal jurisdiction. Enforcement was inadequate at many small companies and in the agriculture and construction sectors, and it was nearly absent in the informal sector in which most children worked.

During the year the Secretariat for Social Development and DIF carried out programs to prevent child labor abuses and promote child labor rights, including specific efforts to combat the commercial sexual exploitation of children. Nevertheless, it was not uncommon to find girls under the age of 15 working in prostitution. Trafficking in children for sexual exploitation was also a problem.

e. Acceptable Conditions of Work.—The law provides for a daily minimum wage, which is set each December for the coming year. For the year the minimum daily wages, determined by zone, were: 52.3 pesos (approximately \$5.15) in Zone A (Baja California, Federal District, State of Mexico, and large cities); 50.96 pesos (approximately \$5) in Zone B (Sonora, Nuevo Leon, Tamaulipas, Veracruz, and Jalisco); and 49.50 pesos (approximately \$4.80) in Zone C (all other states). The minimum wage did not provide a decent standard of living for a worker and family, and only a small fraction of the workers in the formal workforce received the minimum wage. The STPS is charged with protecting worker rights, including minimum wage provisions in the law.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work over eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime, a worker earns triple the hourly wage, and the law prohibits compulsory overtime. However, there were labor rights disputes filed with labor boards and international labor organizations during the year with complaints that workers did not receive overtime pay they were owed.

The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the IMSS. Legally mandated joint management and labor committees set standards and were responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials. Workers may remove themselves from hazardous situations without jeopardizing their employment. Plaintiffs may bring complaints before the federal labor board at no cost to themselves.

While STPS and IMSS officials reported that compliance was reasonably good at most large companies, there were not enough federal inspectors to enforce health and safety standards at smaller firms.

NICARAGUA

Nicaragua is a constitutional democracy with a population of approximately 5.7 million. In January 2007 Daniel Ortega of the Sandinista National Liberation Front (FSLN) was sworn in as president, following the 2006 elections that international observers characterized as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of these forces acted independently.

The most significant human rights abuses during the year included: unlawful killings by security forces; harsh and overcrowded prison conditions; police abuse; lengthy pretrial detention; lack of respect for the rule of law and widespread corruption and politicization of the judiciary, the Supreme Electoral Council (CSE), and

other government organs; erosion of freedom of speech and press, including government intimidation and harassment of journalists; widespread irregularities, fraud and abuses during the November municipal elections and substantial government interference with the operation of political parties; substantial government harassment and intimidation of nongovernmental organizations (NGOs); violence against women; discrimination against ethnic minorities and indigenous communities; and violation of trade union rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, there were reports that members of the security forces committed unlawful killings. In two of these cases, the courts found officers guilty. The Office of the Inspector General, which makes determinations independently of court rulings, conducted parallel investigations and administered punishments, including demotion and dismissal of officers.

On January 11, security forces from the Nicaragua National Police (NNP) in Managua shot and killed Moises Elias Castillo, a soldier on home leave. On September 19, a court sentenced officer Marvin Jose Morales to 14 years' imprisonment for the unlawful death of Castillo.

On May 21, an armed altercation between police and army forces and civilians at El Encanto ranch in the South Atlantic Autonomous Region (RAAS) resulted in the death of three workers and injuries to a soldier. On July 3, authorities charged two police officers, Jose Romero and Feliciano Rodriguez; volunteer police officer Jose Martinez; and soldier Wilfredo Reyes for the unlawful killings of Wilfredo Salazar, Santos Reyes, and Marvin Leiva Reyes. On November 5, a Bluefields court declared the three suspects not guilty. Human rights organizations complained that the court decision did not accord with due process.

On September 14, three police officers in La Paz Centro shot and killed Luis Angel Vargas Salgado after he reportedly knocked over a police security cone with his bicycle and fled the scene. On September 15, community members rioted and burned down the La Paz Centro police station to protest the alleged failure of authorities to take action against the officers who reportedly committed the killing. On September 16, NNP Commissioner Aminta Granera visited La Paz Centro, apologized publicly to the victim's family, and announced that she would prosecute the officers involved. Following Granera's visit, police and community members cooperated in rebuilding the police station. By the end of December, six NNP officers awaited trial for their reported involvement in the killing.

On January 30, a jury declared two persons innocent and ordered them freed and found, Casimiro Candry guilty in the March 2007 killings of Villanueva Delgadillo and her husband Gilberto Artola Delgadillo. The judge sentenced Candry to 30 years in prison. At year's end there was no information available regarding the Inter-American Court of Human Rights' August 2007 granting of precautionary measures in favor of the Delgadillo-Artola family in relation to the killings.

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

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, human rights and other NGOs received complaints that police used excessive force or engaged in degrading treatment that caused injuries to criminal suspects during arrests.

The government-sponsored Office of the Human Rights Ombudsman (PDDH) reported that on March 8, police used cruel and degrading treatment against 13 youths after unknown assailants in the youths' neighborhood attacked presidential bodyguard Daniel Mendoza. The 13 youths reported to the PDDH that police punched some of them in the stomach and threatened them with guns to force them to admit guilt regarding the attack on Mendoza. By year's end there was no information available regarding any investigation or charges against the officers involved.

The Nicaraguan Center for Human Rights (CENIDH) reported that on May 5, after responding to a family quarrel complaint, police in Managua kicked, beat, punched, and threw onto the floor a suspect wearing only underwear during transport to the police station. A police officer reportedly warned the suspect not to discuss the maltreatment when police took the suspect to the hospital for treatment of his wounds. At year's end there was no information regarding any investigation of the incident.

The NGO Center for the Prevention of Violence (CEPREV) reported that police used excessive force in the arrest of adolescent boys suspected of criminal activity,

including gang violence and drug trafficking. The Nicaraguan Permanent Commission on Human Rights (CPDH) reported that on July 31, approximately 20 Managua police officers forcibly entered a house, beat, and detained a person they believed was a gang member; the victim also suffered burns to his right forearm. At year's end there was no information regarding any investigation of the incident.

Between July and December, there were several instances of alleged government-orchestrated mob violence or vigilante justice, including violent attacks against members of opposition political parties and civil society. Human rights groups reported that government authorities ordered the NNP not to interfere with vigilante acts, with the result that police failed to provide adequate protection to demonstrators and did not arrest or detain persons who engaged in progovernment mob violence.

On July 30, a progovernment mob attacked a van driven by Alberto Boschi, a Sandinista Renovation Movement (MRS) mayoral candidate, who was driving a group of MRS youth to an antigovernment protest. Authorities later arrested and tried Boschi for inciting a riot and injuring a journalist. Civil society groups alleged that Boschi's arrest and trial were politically motivated. While his case was on appeal, reports indicated that Boschi went into hiding. His whereabouts were unknown at year's end.

Prison and Detention Center Conditions.—Prison conditions continued to deteriorate due to an antiquated infrastructure and increasing inmate population. The Ministry of Government reported that during the year, the country's eight prisons, which were designed for fewer than 5,000 inmates, held approximately 6,500 prisoners. Prisoners suffered from overcrowding, parasites, and inadequate medical attention. Inmates complained about frequent food shortages, contaminated water, and inadequate sanitation in their cells. Family members, churches, and charitable organizations provided some prisoners with food and medical attention to mitigate harsh prison conditions.

Conditions in jails were also harsh. Most jails and police holding cell facilities were old, infested with vermin, physically deteriorating, lacked potable water and had inadequate ventilation, electric, and sewage systems. The Government constructed 24 new holding cells throughout the prison system; however, conditions overall remained poor. Some detainees died due to dangerous holding cell conditions, including mistreatment from other prisoners and police officials. On September 29, Abel Antonio Ramirez Castellon died while in police custody in Sebaco, following his September 27 arrest. Police alleged that Ramirez Castello died from asphyxiation when he tried to squeeze his body between the iron bars of his cell. An investigation by the Office of the Inspector General was pending at year's end.

Between May and June, the UN Development Program (UNDP) conducted a study of the penitentiary system of the North Atlantic Autonomous Region (RAAN) and the RAAS. The study concluded that overcrowded living conditions, lack of medical attention, and the Government's prolonged delays in processing cases violated prisoners' human rights.

Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners also shared cells with adults. Suspects were regularly left in police holding cells during their trials because the Government did not allocate funds to transport them to the courtroom. Although conditions for female inmates were generally better than those for males, prisons for women were overcrowded, unhygienic, and lacked sufficient beds. Managua's La Esperanza women's prison held more than 200 inmates, nearly twice its designed capacity, with some prisoners forced to sleep in bathrooms. Between May and June, prison authorities evacuated La Esperanza after a health official determined that the facility's water supply was contaminated. During the evacuation prison authorities held female inmates temporarily at the Tipitapa men's prison.

Although the Government generally permitted prison visits by local and international human rights observers, in certain instances it restricted prisoners' access to visitors, attorneys, physicians, and human rights officials. Civil society groups and members of opposition political parties stated that authorities denied them access to prisons, prevented them from interviewing detainees, and were unresponsive to their requests for information regarding prisoners and access to prisons. At times government officials did not grant access to foreign government representatives to meet with their imprisoned nationals and did not grant attorneys access to imprisoned clients.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government observed these prohibitions, with some exceptions discussed below.

Role of the Police and Security Apparatus.—The president is the commander in chief of the NNP, which is administered by the Ministry of Government. The NNP forms a single, unified force responsible for enforcing the law throughout the country. The NNP maintain internal security. The army is responsible for external security but also has some domestic security responsibilities, including combating drug trafficking. There were approximately 10,022 NNP employees, of whom 9,132 were police officers, 890 civilian personnel, and roughly 1,500 voluntary police who filled staffing gaps. Authorities estimated that police provided consistent protection to only 75 percent of the country. In some areas lacking adequate police protection, citizens engaged in vigilante justice.

The Government's failure to allocate adequate funding hampered NNP efforts to improve police performance and resulted in a continuing shortage of officers. Low salaries created conditions where police officers were susceptible to bribes, corruption, and drug trafficking. Many volunteer police officers lacked training and professionalism to enforce the law effectively. The Office of the Inspector General investigated and remanded corruption cases of lower-level officers to the court system and punished some officers through internal administrative measures. The slow pace of the justice system fostered a public perception of impunity within the police force.

The NNP Office of Internal Affairs is responsible for investigating security force abuses. During the year, the NNP Office of Internal Affairs investigated 2,027 cases of alleged police misconduct, including 1,384 complaints of excessive force, searches without warrants, and unlawful use of firearms. Of these cases, 565 officers were punished, including 40 dishonorable discharges. The NNP Office of Internal Affairs determined that of 2,027 complaints filed against police, 67 percent pertained to human rights violations, 17 percent to acts of corruption, and the remaining 16 percent to common offenses or minor infractions.

NNP regulations require that to graduate from the police academy and become officers, police trainees receive human rights instruction and that police officers receive annual recertification in human rights awareness. The NNP reported that during the year, the police academy trained 1,383 officers and trainees in human rights principles. Authorities also taught specialized human rights courses to 547 other officers. Additionally, more than 400 police officers attended two-day violence prevention workshops sponsored by CEPREV. The army included human rights training in its curriculum.

Human rights groups complained that President Ortega used his position as commander-in-chief to politicize NNP affairs. These groups alleged that President Ortega ordered police to use excessive force, including firing rubber bullets and tear gas, against protesters who were not threatening the police, and in other situations ordered police not to interfere with progovernment mob intimidation of peaceful protests. During a September 20 march in Leon, the president ordered police not to stop progovernment vigilantes from using machetes, clubs, and mortars to intimidate democratic opposition demonstrators. Afterwards, President Ortega publicly reprimanded riot police who used tear gas to protect the demonstrators from the vigilantes. The president subsequently fired nine key senior police officials and replaced them with FSLN loyalists.

Arrest and Detention.—Persons are apprehended openly. The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours. The law mandates that a prosecutor accompany police making an arrest. Detainees have the right to an attorney immediately following their arrest. Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge to decide if charges should be brought. The judge then must order the suspect released or transferred to jail for pretrial detention. In practice, few prisoners were held beyond the 48-hour deadline. After the initial 48 hours, the suspect has access to bail, visits from family members, and legal representation.

On July 8, police arrested and detained CPDH Director Marcos Carmona without presenting an arrest warrant or explaining the charges against him. That same day, authorities released Carmona and on August 18, dismissed the charges against him (See Section 4).

CENIDH reported that on September 27, police forcibly entered without a warrant the home of a Managua resident, beat the victim on the head, and slammed his body against a patrol car. The police officers involved in the incident allegedly blamed the victim's son for stealing one of their cell phones. At year's end there was no information about any investigation by authorities regarding the case.

Arbitrary lengthy pretrial detention after arraignment was a problem. The UNDP reported that detainees in the RAAN and RAAS waited an average of seven months for their cases to be presented formally before a judge.

Amnesty.—During the year the National Assembly granted amnesty to 135 citizens.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and politicization, and did not function independently. The Judicial Career Law requires that new judicial appointments be vetted by the Supreme Court of Justice (CSJ); however, judicial appointments were often based on nepotism, influence, or political affiliation. Once appointed, many judges were subject to political and economic pressures that affected their judicial independence.

The judicial system contains both civil and military courts. The 16-member CSJ is the system's highest court, administers the judicial system, and nominates all appellate and lower court judges. The CSJ is divided into specialized chambers for administrative, criminal, constitutional, and civil matters. The law requires that the Office of the Attorney General investigate crimes committed by and against juveniles. The Office of the Prosecutor under the Public Ministry has authority to investigate criminal and civil matters.

The law does not permit military tribunals to try civilians and the military code requires that the civilian court system try members of the military charged with common crimes. Human rights and lawyers' groups complained about the delay of justice caused by judicial inaction and impunity, especially regarding family violence and sexual abuse.

On August 22, a court reopened a 2005 case and convicted former minister of culture Father Ernesto Cardenal of slander against Immanuel Zergen, a German citizen living in the country. The court rendered the conviction after Father Cardenal publicly criticized the Ortega government on August 15, during the inauguration of the new Paraguayan president. Although the court exempted the 83-year-old Catholic priest from a jail sentence, it froze his bank accounts to pay a fine established by the verdict.

Trial Procedures.—Trials are public, and the law provides that defendants can choose whether to have a jury trial. Defendants have the right to legal counsel and are presumed innocent until proven guilty. The law provides public defenders to represent indigent defendants. Defendants can confront and question witnesses who testify against them and also have the right to appeal a conviction. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status. The courts continued to use the Napoleonic legal process for some old cases.

The country continued to lack an effective civil law system, with the result that private litigants often filed their cases as criminal complaints to force one party to concede rather than face the prospect of detention in jail. This civil-based criminal caseload continued to divert resources from the overburdened Office of the Prosecutor.

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

Civil Judicial Procedures and Remedies.—The law provides that persons can file lawsuits seeking damages for human rights violations before civil courts and also provides for litigants to use mediation to resolve civil claims. In practice many members of the judiciary did not render impartial judgments in civil matters and were not independent of political or other influence. Due to bureaucratic inefficiencies, litigants unable to resolve claims through mediation often had to wait months or years for the courts to process their claims, including the enforcement of domestic court orders.

Property Restitution.—Community leaders in the RAAN and RAAS asserted that President Ortega ordered chiefs of police in these regions to ignore court orders to evict migrants from the Pacific coast who illegally invaded and occupied indigenous lands.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions. Independent media, human rights groups, and opposition political parties alleged, however, that the Ortega administration sought to blur distinctions between party and government through the use of FSLN-directed Citizen Power Councils (CPCs). The Government administered subsidized food and other government benefits through CPCs. By giving CPCs this function, the Government reportedly coerced citizens into FSLN membership. Persons seeking to obtain or retain employment in the public sector were required to obtain a letter of rec-

ommendation from CPC block captains. There were reports that government agencies mandated that persons seeking to obtain voter registration and national identity documents needed a letter of recommendation from the CPCs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press. However, the Government used administrative, judicial, and financial means to limit the exercise of these rights. Although the law provides that the right to information cannot be subject to censorship, it also establishes retroactive liability, implying the potential for penalties for libel and slander against individuals and the press. Individuals could not always criticize the Government freely without reprisal, and at times the Government attempted to impede criticism.

On August 27, the CSE brought charges against a foreign NGO and several local civil society groups, alleging that these organizations improperly sought to influence municipal elections by hosting former president of Mexico Vicente Fox. The Government interpreted Fox's August 12 speech in Managua about democracy in Latin America as criticizing the Ortega administration. The prosecutor subpoenaed and seized financial documents of the foreign NGO. The prosecutor also subpoenaed local cosponsors of the Fox visit. At the end of the year the case remained before the Supreme Court.

The independent media were active and expressed a variety of views. The Government, however, sought to restrict media freedom through harassment, censorship, arbitrary application of libel laws, and use of national security justifications to suppress reporting.

Throughout the year President Ortega criticized independent media outlets, including referring to them as "traitors" and "murderers." Government and private actors harassed media outlets for reporting critical of the Government. The Government continued to give preferential treatment to media organizations loyal to the FSLN party, intimidate independent media outlets and journalists into self-censorship, and otherwise hamper the activities of the independent media. El Nuevo Diario reported that during the year, the Government spent approximately 40 million cordobas (\$10 million) on publicity in various media, 80 percent of which went to government-friendly operators.

On April 9 and 29, the Ministry of Health prohibited an El Nuevo Diario reporter from entering ministry facilities, allegedly because of his unfavorable reporting about the Government.

On April 17, a court ruled in favor of five CPC members and found the president and editor in chief of La Prensa guilty of libel for publishing a December 2007 article criticizing CPC violence, but which did not publish the name of any CPC members. El Nuevo Diario and media organizations asserted that the court's decision was political and against freedom of expression. The court fined the editor in chief 18,000 cordobas (approximately \$900) and the president 9,000 cordobas (approximately \$450). At year's end the case was on appeal.

In July President Ortega asked the attorney general to explore the possibility of treason charges against La Prensa for publishing articles regarding the Government's hosting members of the Revolutionary Armed Forces of Colombia (FARC) terrorist organization during a July 19 FSLN anniversary celebration. On July 29 the attorney general responded that the media should act responsibly but did not file charges against La Prensa.

On April 4, television Channel 10 cancelled the popular talk show of political commentator Jaime Arellano. Media analysts alleged that the Channel 10 decision was based on a quid pro quo for the Government to issue the television station a radio license. On April 7, Arellano moved his talk show to Channel 2. On August 25, that station cancelled the program, reportedly after the Government threatened not to renew its broadcast license. The cancellation of the show followed days of CPC-member public protests against Arellano. Throughout the year CPCs also protested in front of the facilities of other media organization that criticized the Government.

Progovernment and other radio stations reported incidents of vandalism and sabotage, including thefts of copper wiring and damage to transmission equipment. On April 6 and June 5, unknown actors damaged the facilities of opposition station Radio 15 de Septiembre, rendering the station unable to transmit for several days.

Harassment and intimidation of the media increased substantially following the November municipal elections and the resulting civil unrest. Beginning on November 12, Radio 15 de Septiembre and independent station Radio Corporacion were unable to transmit for three weeks. The managers of the stations asserted that the Government jammed their signals.

On November 16, FSLN mobs blocked roads to Leon and prohibited local and international journalists from covering a scheduled opposition march.

On November 18, government supporters destroyed the offices and equipment of the independent station Radio Dario in Leon, reportedly in retaliation for the political opposition's nonviolent march that same day. Also on November 18, FSLN mobs burned a Channel 2 news vehicle that had carried reporters covering the civil unrest in Managua.

At year's end there were no reports of any investigation of the December 2007 anonymous death threats against political cartoonist Manuel Guillen.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available only in urban areas. The International Telecommunication Union reported that in 2007 there were only 2.7 users per 100 inhabitants. Frequent power outages and infrastructure problems hampered citizens' access to Internet and e-mail services.

Academic Freedom and Cultural Events.—There were no government restrictions on cultural events. However, the Government reportedly sought to restrict academic freedom by pressuring universities to cancel events.

On June 26 the Autonomous University of Nicaragua canceled a planned meeting between two political candidates after students associated with the FSLN protested the presence of the opposition candidate at the university.

On October 22, the Central American University (UCA) released the results of a poll revealing that the central government was falling in popularity and that the FSLN would lose in several key municipal elections. That same day First Lady Rosario Murillo called an emergency press conference to denounce the UCA poll and the faculty. On October 28, FSLN sympathizers attempted to take control of the UCA campus and threatened to use their influence to cancel the university's 6 percent national budget entitlement because of the release of the October 22 poll results.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law recognizes the right to public assembly, demonstration, and mobilization but mandates that demonstrators obtain permission for a rally or march by registering with the police its planned size and location. During election campaign periods, the CSE must authorize political party marches. Prior to and following the November 9 municipal elections, the Government limited these rights by restricting public spaces where groups could assemble, countering group demonstrations, and failing to protect opposition demonstrators.

After civil society prodemocracy marches in June and July, groups reportedly paid by the CPCs continually occupied without legal authorization Managua traffic rotundas, in a campaign entitled "prayer against hatred-love is stronger than hate." These occupations limited the places for public assembly during the municipal elections campaign and until the end of the year.

On July 25, a mob of 30 CPC and FSLN party members in Managua, some wielding machetes, beat and injured city council candidate and Vamos con Eduardo political movement leader Jaime Chavarria and three members of his family, as he attempted to verify his eligibility to vote in the November municipal elections. The police did not protect Chavarria from the mob, and authorities did not detain or charge anyone in relation to the attack.

On September 20, progovernment mobs set up unauthorized road blocks on the main roads from Managua and Chinandega into Leon and stopped a previously registered civil society democracy march. The mobs, which included the Leon FSLN mayoral candidate, attacked buses, threatened democracy marchers and police, injured several marchers with machetes, broke car windows, and set fire to an opposition leader's vehicle. At year's end there were no detentions or charges filed against anyone in relation to the violence.

Progovernment mobs increasingly limited the right to assembly for several days following the November 9 municipal elections. The mobs, unrestrained by police, used homemade mortars, machetes, sticks, and other improvised weapons to intimidate opposition protestors, and prohibited access to public space by establishing unauthorized road blocks using buses, trucks, and burning tires. On November 16, the mobs blocked access to Leon to prevent persons from participating in opposition marches in that city. On November 17, mobs blocked access to a Managua church where an opposition leader was holding a press conference about election abuses. On November 18, government supporters limited traffic throughout Managua by controlling the city's major roads.

Freedom of Association.—The law provides for this right, including the right to organize or affiliate with political parties; however, in March the Government

stripped two parties of their legal registration and in February removed the presidents of two additional parties. The Government also used administrative and judicial means to harass other civil society organizations (See Section 4).

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were reports of societal abuses. In the days following the November elections, unknown actors desecrated and vandalized statues of the Virgin Mary that the Government had installed in public places during its “prayer against hatred” campaign. Civil society groups alleged that these statues were damaged due to the Catholic Church Episcopal Conference’s criticism of the Government’s handling of the elections.

There were no reports of discrimination, including anti-Semitic acts. The Jewish community had fewer than 50 members.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country and freedom to travel and emigrate, and the Government generally respected these rights in practice. The Government cooperated with the Office of UN High Commissioner for Refugees (UNHCR) through humanitarian organizations, such as the International Organization for Migration, in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile and there were no reports that the Government used forced exile in practice.

The right of citizens to return to the country is not established in the constitution, but the Government did not restrict its citizens’ return in practice. There were no reports of political violence against citizens returning from civil-war-era self-imposed exile.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. On July 9, the Government implemented a new refugee law that establishes a formal refugee commission and provides the legal basis to grant refugee status. During the year the Government granted asylum to Colombian citizens and FARC members Martha Perez, Doris Torrez, and Nubia Calderon. The Government also granted “safe haven” status to Mexican citizen and FARC member Lucia Morett, who by year’s end had returned to Mexico.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The new refugee law establishes provisions for regularizing the legal status of approximately 6,000 Salvadorans who had lived in the country since the civil wars of the 1980s. The new law also waives fines imposed on persons who have been in the country illegally and offers them a year from July 9, 2008 to regularize their status.

The Council of Protestant Churches in Nicaragua, UNHCR’s implementing NGO partner in the country, reported that between January and August, 97 persons, mainly from Somalia, Eritrea and Ethiopia, formally requested and received refugee status.

Stateless Persons.—Citizenship is derived by birth within the territory (*jus soli*) or through a formal naturalization process. The local civil registries normally register births within 12 months, upon the presentation of a medical or baptismal certificate; however, many persons, especially in rural areas, lacked registration or birth certificates. The NGO Child Rights Information Network estimated that 250,000 children and adolescents lacked legal documentation.

Persons without citizenship documents were unable to obtain a cedula, the national identity card, and therefore had difficulties participating in the legal economy, conducting bank transactions, or voting. Persons who lacked a cedula also were subject to other restrictions in employment, access to courts, and land ownership. Women and children lacking citizenship documents were reportedly more vulnerable to sexual exploitation by traffickers. The Government did not effectively implement laws and policies to provide persons the opportunity to obtain nationality documents on a nondiscriminatory basis. The NGO campaign “The Right to a Name and Identity” worked primarily in the RAAN and RAAS to register birth certificates and distribute cedula. The Government did not effectively implement laws and policies to provide citizens living outside of the country access to citizenship documents

on a nondiscriminatory basis. Media reported that the Government illegally granted cédulas for political purposes to persons who were not citizens of the country.

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

The law provides citizens the right to change their government peacefully; however, the Government restricted the exercise of this right in practice.

Elections and Political Participation.—Domestic and international civil society organizations, the Catholic Church, and media reported widespread fraud, government interference, abuses, and irregularities including violence, intimidation, premature closing of voting stations, destruction of ballots, and delayed accreditation of opposition party poll watchers during the November 9 municipal elections. The Government also excluded opposition party poll watchers from the tabulation of the final results. The Government did not permit credible international observer groups to monitor the elections. International and domestic organizations requested that the Government address the irregularities, including through recounting the votes. However, by year's end the Government had not conducted a recount or otherwise addressed the other reported irregularities.

There were widespread reports of government manipulation of the electoral system in the weeks preceding the elections. The manipulation included favoring FSLN supporters in delivering voter identification cards and, contrary to election laws, permitting FSLN supporters to administer the voter identification application process. Electoral authorities delayed the accreditation of opposition party poll watchers to prohibit them from monitoring the delivery of electoral material.

Based on its assessment of damage caused by Hurricane Felix in September 2007, the Government stated that it would not hold November 9 municipal elections in the RAAN. On April 4, the CSE voted to delay elections until April 2009 in the RAAN municipalities of Puerto Cabezas, Prinzapolka, and Waspam. After violence related to the announced postponement erupted in the RAAN on April 4, the National Assembly voted on June 11, to schedule elections for January 18, 2009, in the RAAN municipalities of Puerto Cabezas, Prinzapolka, Waspam, Rosita, Bonanza, Siuna, and Mulukuku.

There continued to be widespread concerns that the two main political parties, the FSLN and PLC, controlled and manipulated the political system. Minority political parties could not operate without restrictions or outside interference. On February 20, the CSE removed the presidents of the Liberal Nicaraguan Alliance and the Resistance Party of Nicaragua, on the grounds that the elections of these officers were based on erroneous decisions by their respective parties' executive committees.

On June 11, the CSE stripped the Sandinista Renovation Movement (MRS) and the Conservative Party (PC) of their legal registrations, barring them from participating in elections for the next four years, including the November 9 municipal elections. The CSE claimed that the MRS failed to properly establish, document, and register its party branches. The CSE argued that the PC failed to register the required number of candidates for the November municipal elections. On December 21, the Inter-American Court of Human Rights began investigating the Government's stripping of the legal registrations of the MRS and PC.

There were credible reports that FSLN membership conferred economic advantages upon individuals and their families, including required letters of recommendation from CPCs to obtain government employment, and that government employees were obliged to participate in CPC activities. Opposition parties also complained that the Government allowed the FSLN to manipulate the voter identification card application process, and that the Government intentionally withheld voter cards from opposition party supporters.

There were 17 women in the 92-seat National Assembly, four women in the 16-member Supreme Court of Justice, and five women in the 13 cabinet-level posts. Five persons from indigenous and other ethnic groups in the RAAN and the RAAS were deputies in the National Assembly.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. However, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There was widespread public perception of corruption in many government institutions, particularly in the judiciary, the National Assembly, the CSE, the comptroller general, the human rights ombudsman, and the national prosecutor. On February 7, authorities closed the 2006 investigation of Human Rights Ombudsman Omar Cabezas for using government funds for personal benefit but did not release a public report on the investigation's findings. On October 13, Lino Hernandez, an official in the Office of the Comptroller General, announced that his office would issue criminal sanctions

against Cabezas. On October 17, Cabezas challenged the comptroller's decision. At year's end there were no further developments in the case.

Public officials are subject to financial disclosure laws, and the Office of the Comptroller is responsible for combating government corruption. However, on September 23, Comptroller General Luis Angel Montenegro stated that not one official had been punished for corruption during President Ortega's administration because it was "a government without corruption."

By year's end the Government had not established a coordinating office for the Access to Public Information Law. Journalists reported substantial difficulties in obtaining requested information from state institutions under this law; this included information related to the November 9 elections.

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

A wide variety of domestic and international human rights groups operated in the country. Civil society organizations that focused on humanitarian activities generally operated without government restriction. However, government officials harassed and intimidated domestic and international NGOs that criticized the Government, the CPCs, or the FSLN. During the year the Government continued financial audits and other investigations of NGOs. Civil society organizations reported growing government confrontation with NGOs due to their independence and autonomy from government institutions and governmental efforts to create adversarial conditions and a "culture of fear" to suppress NGOs critical of the Government.

On September 24, the Ministry of Government began investigating 17 prominent civil society organizations that the Government accused of laundering money from international donors. As a result of the investigation, the Government froze assets, performed tax audits, and disbanded these NGOs during the judicial proceedings against them. The Government publication *El 19* featured stories alleging that these NGOs tried to subvert the Government. The publication provided the names, addresses, and phone numbers of the directors of these groups.

Other domestic human rights organizations reported increased problems when filing petitions with the courts and believed that the comptroller and tax authorities audited their accounts as a means of intimidation. Some human rights organizations reported increased problems in scheduling meetings and obtaining information from the Government and the ombudsman.

Several women's rights groups and other NGOs reported that government officials threatened them and sought to discredit and disband their organizations. On July 8, police without a warrant arrested Marcos Carmona, the president of CPDH, at his home and detained him for several hours for his alleged aggression in 2007 against two police officers. Carmona did not see the arrest warrant until police displayed it during a press conference later that day. On August 6, authorities tried Carmona but cleared him of all charges on August 18. Media reported Carmona's arrest and trial as part of the Government's intimidation campaign against civil society and opposition groups.

On September 27, CENIDH director Vilma Nunez reported to the press that on September 26 alleged Ortega sympathizers vandalized her Leon home and sent death threats. Throughout the year CPDH and CENIDH employees and their families reported anonymous death threats, including text messages accusing them of being CIA agents. Both organizations reported that government media outlets Channel 4, Radio Ya, and the newspaper *El 19* conducted a smear campaign against them.

NGOs complained that the Government continued to sideline civil society organizations not affiliated with the FSLN from participating in government social programs, such as Zero Hunger and Zero Usury.

On September 17, Sofia Montenegro, president of the Women's Autonomous Movement (MAM), reported that unknown actors made verbal death threats against her and sent her text messages with her photo containing the caption "agent of the CIA." On September 20, while she was attending a peace demonstration in Leon that Ortega supporters violently disrupted, unknown actors threatened Montenegro's life in full view of police officers, who did not offer her assistance. At year's end there was no information available regarding any investigation of the threats against Montenegro.

The Public Ministry continued its November 2007 investigation against nine prominent women's rights advocates who provided social and legal services to sexual abuse victims. NGOs complained that the ministry launched the investigation to intimidate defenders of women's rights and members of the MRS.

The Government generally cooperated with international organizations and permitted visits by the UN Development Program and other UN representatives.

Human rights NGOs and former ombudsman officials asserted that the ombudsman was politicized, influenced by partisan interests, and lacked independence to comply with its mandate. On September 23, Human Rights Ombudsman Omar Cabezas publicly called Human Rights Watch Director Jose Vivanco a criminal and a fascist due to Vivanco's critical reporting on Venezuela. By year's end the PDDH had not issued its annual report to the National Assembly, but made recommendations regarding persons with disabilities and prison conditions. There was minimal government response to the PDDH's recommendations.

The National Assembly operated a human rights committee that focused primarily on amnesties and pardons. Civil society viewed the committee as controlled by partisan forces and not credible.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the Government often did not enforce these legal protections, and aggrieved persons filed few discrimination suits or formal complaints. There were reports of societal abuses and discrimination against persons of Afro-Caribbean descent, indigenous communities, homosexuals, and persons with HIV/AIDS.

Women.—The law criminalizes all forms of rape, regardless of the relationship between the victim and the accused, and the Government generally enforced the law. Women may apply the law against their spouses. However, many women were reluctant to report abuse or file charges due to the social stigma attached to rape, fear of retribution, and loss of economic security. Through December the NNP Women's Police Commissariats reported 3,482 cases of sexual crimes, including 1,289 cases of rape, 47 cases of aggravated rape, 92 cases of attempted rape, and 704 cases of statutory rape. There were no reliable statistics available regarding the number of rape prosecutions or convictions. Women's rights NGOs reported that at least 12 sexual assault perpetrators were absolved of all charges, even though the prosecutor's office presented ample evidence and witnesses of their crimes.

On September 26, the Office of the Attorney General released a letter from Zolamerica Narvaez, in which Narvaez announced that out of concern for the welfare of her family and the use of her case for political purposes during the elections, she had withdrawn her 2003 petition to the Inter-American Commission on Human Rights that alleged her stepfather, President Daniel Ortega, had raped her in the 1980s.

The law criminalizes domestic violence and provides up to six years' imprisonment for those found guilty. The law also provides for the issuance of restraining orders to protect women who fear for their safety. NGOs asserted that the law was selectively enforced. Spousal abuse was widespread and underreported. The Supreme Court of Justice Institute of Forensic Medicine reported there were at least 11,184 cases of domestic violence, of which 52 percent were between domestic partners and approximately 4 percent involved domestic violence against children. The PDDH Special Prosecutor for Women reported that more women were killed violently during the first six months of the year than in the same period in 2007. Police reported a 25 percent increase in the filing of gender-based and domestic violence complaints during the first six months of the year compared with the same period in 2007.

Police Commissioner Aminta Granera required police officers to complete training sponsored by CEPREV and other NGOs to improve the police's capacity to deal with domestic violence. The NNP continued a campaign to raise public awareness regarding domestic violence and help victims of domestic abuse. Reports of violence against women continued to increase, a rise likely attributable to a greater public willingness to come forward to authorities. Primarily due to cultural attitudes, impunity regarding violence against women remained a problem. The law requires female victims of sexual crimes to undergo medical testing by Supreme Court of Justice forensic specialists before proceeding with legal action against perpetrators. A lack of female forensic doctors deterred women from taking legal action against sexual offenders. Sexual abuse and rape of adolescent girls continued, including cases involving incest.

There were no government-operated shelters dedicated to female victims of violence and other forms of abuse. The Network of Women Against Violence operated the only three shelters in the country designated solely to assist women.

There were 32 NNP women's commissariats operating throughout the country. The commissariats provided social and legal help to women, mediated spousal conflicts, investigated and helped prosecute criminal complaints, and referred victims to other governmental and nongovernmental assistance agencies. Although they intensified public awareness campaigns to encourage women to report spousal abuse and other violence, commissariats lacked equipment and funding to adequately dis-

charge their responsibilities. In December 2007 the Government initiated a campaign to involve all family members in combating domestic violence, and in the ensuing six months, the number of such cases reported increased by 96 percent compared to the same period in 2007.

Prostitution, which is legal for persons 14 years of age and older, was common, although the law prohibits its promotion, including procurement. In Managua most prostitutes worked on the streets, in nightclubs and bars, or in massage parlors. The law imposes a penalty of five to seven years' imprisonment for convicted sex tourism offenders. The NNP reported no cases of sex tourism during the year.

The law prohibits sexual harassment, and those convicted face between one and three years' imprisonment, or between three and five years' imprisonment if the victim is under 18 years old. The NNP women's police commissariats reported 375 cases of sexual harassment during the year. The Network of Women against Violence reported that the law was rarely enforced and that police statistics on sexual harassment did not fully reflect the extent of the problem.

The law provides that women enjoy the same rights as men, including family and property rights. The NNP Office of the Superintendent of Women is responsible for enforcing the law to protect women. In practice authorities often discriminated in property matters against poor women who lacked birth certificates or national identity cards. The Office of the Human Rights Ombudsman Special Prosecutor for Women and the Nicaraguan Women's Institute are the principal government entities responsible for protecting the legal rights of women. However, they had limited effectiveness.

Children.—Although the Government publicly expressed its commitment to children's human rights and welfare, it did not develop national policies or coordinate effectively with national and international NGOs to address children's matters.

The Government did not register all births immediately, with the result that many children and adolescents lacked birth certificates, were not listed in the national civil registry, lacked legal identity, were denied public services, and had to work or beg in the streets (*See* Section 2.d.).

Violence against children remained a significant problem. CEPREV reported that, as in the previous year, one of three girls and one of five boys were victims of sexual abuse. An Esteli Forensic Clinic study found that 87 percent of rape, sexual crimes, and abuse victims were children. NGOs reported continuing cases of forced child marriage between young girls and older men. There was no information available on government efforts to combat the problem.

Child prostitution remained a problem. The law permits juveniles 14 years of age or older to engage in prostitution. The country was a destination for child sex tourism, primarily in Granada and Managua; however, there were no reported cases during the year.

On September 21, First Lady Rosario Murillo unveiled the Government Amor program to remove 25,000 children from the streets and Managua child protection centers. The program created Child Development Centers (CDI) to enable parents to provide for their families and improve their economic circumstances, while also encouraging foster homes for orphaned children.

Media reported that personnel sexually, physically, and emotionally abused children living in Ministry of Family child protection centers. By year's end the Ministry of Family had not conducted a formal investigation based on the PDDH's 2007 report characterizing living conditions of children in government protection centers as "jail-like."

Trafficking in Persons.—The law prohibits trafficking in persons for purposes of forced sexual exploitation but does not identify forced labor exploitation as trafficking. There were reports that persons were trafficked from, through, and within the country.

The Government reported that the country was primarily a source and transit point for trafficking in persons. The Judicial Auxiliary Police reported 13 trafficking cases involving 24 victims during the year. Of these cases, 10 resulted in prosecutions, two were under investigation, and one was closed for lack of evidence.

NGOs reported that trafficking in persons was a serious and increasing problem in the country. The country was a source for women and children trafficked for sexual exploitation primarily to tourist areas within El Salvador, Guatemala, Honduras, and Costa Rica. Victims were also trafficked internally, primarily from poorer areas to Managua. Trafficking for labor exploitation also occurred.

Poverty, illiteracy, lack of economic opportunity, porous borders, and vast areas of sparsely populated territory in the RAAN and RAAS contributed to making the country a major source of trafficking victims in the Central America region.

Persons trafficked from the country to foreign destinations usually were young women and girls from rural areas, poor neighborhoods in urban centers, or border towns. The main groups at risk were young and uneducated women and children from poor, rural areas; victims of domestic abuse and sexual violence; and persons lacking legal identification documents required for persons more than 16 years old. Young women from poor areas of Managua and border towns were at the greatest risk of internal and external trafficking. Traffickers recruited undocumented Nicaraguan boys to work as unpaid labor on farms in Costa Rica.

The Office of the Special Prosecutor for Children and Adolescents, other government agencies, and NGOs reported that traffickers included organized crime, taxi driver networks, family operations, persons running brothels, and former victims of prostitution. Traffickers used night clubs, massage parlors, hotels, brothels, and restaurants to recruit and deceive victims. Traffickers lured persons lacking cédulas (national identity cards) with the promise of proper travel documentation.

Many trafficked victims used legal migration procedures. Traffickers sometimes exploited the minimal documentation requirements within El Salvador, Guatemala, Nicaragua, and Honduras to transport trafficking victims through official ports of entry. Traffickers also took advantage of the low price of falsified immigration documents to move victims through the country. The NGO Casa Alianza reported that traffickers did not need to use clandestine methods to transport victims because traffickers were able to operate freely within the country using regular public and private transportation services.

Trafficking for sexual exploitation carries a sentence of between four and 10 years in prison. The maximum penalty is applied against perpetrators in cases where the victim is married, less than 14 years of age, or living as a concubine with the perpetrator. There are no penalties for attempted trafficking. Labor trafficking is not criminalized, and laws against commercial sexual exploitation of minors do not protect all adolescents under 18 years old. The failure of the Government to allocate adequate resources, the slow pace of law reform, judicial corruption, lack of border and immigration controls, and inadequate government coordination efforts impeded government efforts to combat trafficking.

There was no information available regarding any developments in the investigation of two trafficking suspects apprehended in December 2007 at Managua airport while they were allegedly trying to put unaccompanied children on an airplane to Atlanta, Georgia.

On March 31, police stopped a bus illegally transporting 80 children from Sandy Bay in the RAAN to a location in Managua. On April 1, the special prosecutor for children's rights accused Delayda Wilson, a RAAN Ministry of Family official, RAAN Regional Governor Reynaldo Francis, Puerto Cabezas Police Commissioner Bayardo Rosales, and Elizabeth Enriquez, the mayor of Puerto Cabezas, with kidnapping and violating the human rights of the children. The minister of the family stated that she had not authorized the transfer. The authorities returned the children to Sandy Bay on April 1, but did not bring charges against the RAAN government officials.

The Public Ministry is charged with prosecuting trafficking cases. The Ministry of Government has primary responsibility for combating trafficking through the National Coalition Against Trafficking in Persons, which coordinates efforts with 16 ministries and autonomous government agencies, and with national and international organizations. The Government worked with the IOM, Casa Alianza Nicaragua, and Save the Children to investigate trafficking cases and protect victims. The judicial police handle trafficking complaints.

NGOs reported that the Government did not cooperate with or assist international investigations against trafficking. The law does not permit the Government to extradite Nicaraguan citizens to other countries, regardless of the crime.

The Government did not allocate sufficient resources to identify victims and failed to provide effective access to judicial remedies for victims. Judges often treated victims as complicit parties in trafficking cases. A lengthy hearing process deterred some victims from submitting cases. NGOs undertook most efforts to reintegrate victims into society. Casa Alianza operated the only two shelters in Managua for victims of trafficking.

The Ministries of the Family and Government continued collaborating with civil society organizations to promote an antitrafficking public awareness campaign. Social workers, lawyers, and healthcare workers staffed an emergency 24-hour hot line to encourage reporting of trafficking incidents; however, inadequate coordination with police reportedly undermined the hot line's effectiveness. The Ministry of Government reported that the NNP continued its efforts to combat and prevent trafficking in persons by disrupting operations, increasing police presence, and targeting massage parlors, nightclubs, and other suspected centers of trafficking activ-

ity. The Ministry of Government, the Department of Immigration, and the National Coalition Against Trafficking in Persons made public service announcements at immigration check points to warn people traveling outside the country about the risk of human trafficking and provided instruction on prevention, protection, and reporting of trafficking crimes.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities, but in practice such discrimination was widespread in employment, education, access to health care, and the provision of state services. The Government did not effectively enforce the law with regard to protection of persons with disabilities and did not mandate accessibility to buildings for persons with disabilities. On September 16, the NGO Women with Disabilities convened a forum to increase awareness about discrimination its members experienced in employment, access to credit, and education. On September 30, the PDDH special prosecutor for persons with disabilities released a study reporting that 80 percent of public health buildings lacked signs in braille, interpreters for the deaf, or access ramps or bathrooms to accommodate persons in wheelchairs.

The Nicaraguan Institute of Statistics and Census reported in a 2003 study, the most recent available, that approximately 10 percent of the population had some type of disability, few of whom received adequate medical treatment. Government clinics and hospitals provided care for war veterans and other persons with disabilities, but the quality of care was generally poor. The Government continued a public relations campaign focusing on greater integration into society of persons with disabilities. The Ministry of the Family is responsible for the protection and advancement of rights for persons with disabilities.

On April 24, a court sentenced an Esteli teacher to 18 years' imprisonment in one of four August 2007 cases of abuse of children with disabilities. At year's end there was no information available regarding the status of the other three cases.

National/Racial/Ethnic Minorities.—Various indigenous and other ethnic groups from the RAAN and RAAS attributed the Government's lack of resources devoted to the Atlantic Coast to discriminatory attitudes toward ethnic, racial, and religious minorities in those regions. In contrast with the rest of the country, the racial makeup of the RAAN and the RAAS was predominantly black and Amerindian.

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RAAN and RAAS and foreigners assumed to be from those areas experienced social discrimination in the interior and Pacific areas and were denied access to private clubs and restaurants in Managua. Persons with darker skin claimed that authorities at Managua airport targeted them for extra security measures and that police stopped them to conduct illegal searches. There was no information available on government efforts to address discrimination based on skin color, race, or ethnicity.

Indigenous People.—Indigenous people constituted approximately 5 percent of the country's population and lived primarily in the RAAN and RAAS. The five major identifiable indigenous groups were the Miskito, the Sumo, the Garifuna of Afro-Amerindian origin, the Mayangna, and the Rama. These groups alleged government discrimination through underrepresentation in the legislative branch. For instance, the RAAN and RAAS had the same population sizes as the departments of Leon and Masaya but had only five representatives in the National Assembly compared with 10 for Leon and Masaya.

Most indigenous people in rural areas lacked access to modern health care, and deteriorating roads made medicine and health care almost unobtainable for many communities. The rates of unemployment, illiteracy, and absenteeism of school-age children were among the highest in the country. In its 2008 report, the UN Committee on the Elimination of Racial Discrimination (CERD) noted the persistence of racial stereotypes in the country and the lack of access to health services in the RAAN. The CERD requested that the Government develop a national strategy to combat racism and forge a new relationship with indigenous and ethnic minority communities.

Human rights organizations and indigenous rights groups claimed that the Government failed to protect indigenous communities' civil and political rights, including rights to land, natural resources, and local autonomy. On December 7, Rama community leaders filed a lawsuit against the Government for illegally delaying for more than one year land titling in the RAAS. On December 18, the Government office charged with settling title claims issued titles to a Mayangna community in Awas Tingni. Miskito, Rama, and Mayangna leaders claimed that the Government

discriminated against them by not providing interpreters for court cases or native language translations of government documents.

There were no new developments, and none were expected, regarding the 2006 lawsuit CPDH filed with the Supreme Court of Justice on behalf of the Miskito community in relation to the Red Christmas operation and other human rights abuses committed in the 1980s by then president Daniel Ortega and other ranking Sandinista officials.

On September 25, Attorney General Hernan Estrada presented a check for 2,227,500 cordobas (approximately \$111,425) to Brooklyn Rivera, the Yatama leader, in response to the IACHR 2006 request that the Government indemnify the Yatama indigenous organization for excluding Yatama from participation in 2004 municipal elections.

Although the law requires that the Government consult indigenous persons regarding the exploitation of their areas' resources, some indigenous communities continued to complain that government authorities excluded RAAN and RAAS indigenous people from meaningful participation in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Representatives of autonomous regions and indigenous communities regularly complained to the Government, media, and NGOs that the Government failed to invest in infrastructure in those regions.

Civil society groups representing RAAN indigenous communities continued requesting that the National Assembly and the Office of the President establish a government commission to investigate alleged human rights violations relating to the Government's response to the September 2007 Hurricane Felix.

Other Societal Abuses and Discrimination.—Although sexual orientation is not mentioned specifically, the constitution states that all persons are equal before the law and have the right to equal protection. The new penal code, implemented in July, repealed criminal penalties relating to same-sex relations. However, homosexual persons continued to face widespread discrimination and human rights abuses based on their sexual orientation. Gay rights activists reported that the Public Ministry received at least 10 complaints during the year alleging that education and health institutions discriminated against persons because of their sexual orientation.

The law provides specific protections for persons with HIV/AIDS against employment and health services discrimination. However, persons with HIV/AIDS continued to suffer societal discrimination based on their alleged HIV/AIDS or sexual orientation status. Several NGOs worked to educate communities regarding HIV/AIDS discrimination. Communities often stigmatized persons with HIV/AIDS, and there was a general lack of awareness and education among the public and health care professionals regarding prevention, treatment, and transmission of HIV/AIDS.

On June 30, the Public Ministry announced that it was bringing charges against health care professionals Martha Zuniga Trujillo, Amelia Membreno, and Meyling Castro Ubeda for allegedly misdiagnosing Maria Josefa Rivera Castro as having AIDS in 2001 and publicizing that mistaken diagnosis. At year's end a judge was reviewing the case.

Section 6. Worker Rights

a. The Right of Association

The law provides for the right of all public and private sector workers, with the exception of those in the military and police, to form and join independent unions of their choice. Workers exercised this right in practice. Workers are not required to notify their employer or the Ministry of Labor (MITRAB) of their intention to organize a union. The unionized workforce represented approximately 4.5 percent of the total workforce between 15 and 60 years old. In general labor unions were allied with political parties.

On November 15, in the Jose Ruiz Health Center in El Viejo, Chinandega, the government-sponsored Federal Healthcare Trade Union (FETSALUD) and MITRAB impeded health care workers from forming a union. The workers were already members of FETSALUD but decided to form an independent union. The workers alleged that when they filed their new union registration petition, the labor inspector shared this information with his father, a FEDASALUD leader and health ministry official, who told the workers to stay with FETSALUD or risk being fired.

The constitution recognizes the right to strike, and the law allows unions to conduct their activities without government interference. However, burdensome and lengthy labor code conciliation procedures impeded workers' ability to call strikes. During a strike employers cannot hire replacement workers. If a strike continues for 30 days without resolution, MITRAB has authority to suspend the strike and

submit the matter for arbitration. MITRAB often declared strikes illegal, even when workers followed legal strike procedures.

Government security forces violently interfered with the national transportation strike. On May 5, professional drivers of trucks, buses, and taxis demanded that the Government freeze rising fuel prices, parked their vehicles along major highways, and blocked traffic. Union leaders alleged that on May 6, under express instructions from President Ortega to end the strike, police in Leon destroyed the windows of 40 vehicles and towed them away. On May 13, police in Las Maderas shot rubber bullets and injured strikers in an attempt to quash the strike. In June the strike ended peacefully only after President Ortega publicly promised the strikers a fuel subsidy, which he subsequently delivered.

On July 24, workers at Panzuma Laboratories in El Crucero formed a new union. On July 31, company management fired Marlon Dona, a leader of the union. On August 4, the MITRAB accorded legal status to the union. On August 7, union leaders presented management with a list of the union's board of directors, and on August 13, they presented MITRAB with a letter regarding their intention to bargain collectively. On that same day management notified union members of the immediate cancellation of their employment contracts. On August 14, workers began to strike due to the illegal firings. On August 15, management called police to forcibly remove the strikers. Workers filed a labor rights complaint with MITRAB and a police abuse complaint with the NNP and the Legal Medicine Institute. Although the local labor inspector issued resolutions revoking the firings, management refused to comply with the order and appealed the decision to the Inspector General's Office. On August 29, the Inspector General's Office ruled against the strikers and ordered them to return to their jobs within 72 hours. In October workers abandoned their efforts to form a new labor union.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining. A collective bargaining agreement cannot exceed two years and is automatically renewed if neither party requests its revision. The Government protected these rights and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Companies in disputes with their employees must negotiate with the employees' union, if one exists. By law several unions may coexist at any one enterprise. The law permits management to sign collective bargaining agreements with each union operating at the enterprise.

The new penal code, which entered into force in July, establishes sanctions against employers who violate labor rights, such as interfering with the formation of unions or strikebreaking. In practice many employers in the formal sector continued to violate worker rights by blacklisting or firing union members. Employers also avoided legal penalties by organizing for their employees "white unions" (employer-led unions), which lacked independence. Union leaders asserted that employers that who supported the Ortega administration often pressured workers affiliated with independent unions to resign and register with FSLN unions.

Although employers must reinstate workers fired for union activity, MITRAB cannot legally order employers to rehire fired workers. Formal reinstatement requires a judge's order. The law allows employers to obtain permission from MITRAB to dismiss any employee, including union organizers, provided the employer agrees to pay double the usual severance pay. In practice employers often did not reinstate workers due to weak enforcement of the law.

On September 18, an opposition member and union leader from the Federation of Democratic Workers of the Public Sector complained that Ministry of Transportation and Infrastructure (MTI) officials harassed and fired him illegally for defending 20 other illegally dismissed union members from the MTI and also for allegedly disrespecting the FSLN Minister of Transportation and Infrastructure.

Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws. During the year MITRAB carried out 6,138 inspections and issued fines to 18 companies, including some that operated in the Export Processing Zones (EPZs).

There are no special laws or exemptions from regular labor laws in the 41 EPZs. Less than 10 percent of the estimated 65,500 EPZ workers were union members. Because a high proportion of EPZ unions had fewer than 50 members, many lacked effective collective bargaining power.

The NGO International Solidarity Center reported allegations of violations of the right to organize and bargain collectively, especially in the EPZs, where employers stalled negotiations and allegedly fired or harassed employees trying to form unions. Labor leaders complained of labor violations involving the closings of EPZ factories KB Manufacturing, Everly, and Mil Colores. Other unionized clothing manufactur-

ers in the EPZs closed, or threatened to close, to avoid paying claims for back wages and severance.

On June 6, the Nien Hsing Garment factory closed its operations, dismissing 9,600 of its 14,839 employees. The Mexican company C&C, owned by three of the former Nien Hsing factory owners, hired the 5,289 remaining Nien Hsing employees.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The law does not prohibit the trafficking of persons for forced labor. The Government did not effectively enforce the law or implement programs to combat forced labor. There were instances of forced domestic servitude, primarily of female minors, and of forced prostitution of minors who were trafficked to urban centers from other countries or from rural areas within the country (See Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the law provides for the protection of children's rights and prohibits any type of economic or social exploitation of children, child labor was a widespread problem. The Government did not effectively enforce the law to protect children from workplace exploitation. The 2005 National Survey of Adolescent and Child Labor, the most recent available, estimated that there were approximately 239,000 working children between five and 17 years old, of whom 36 percent were less than 14 years old. NGOs estimated that there was a decline in the number of children working between the ages of five and nine years old, because the Government eliminated fees to attend public school. However, these NGOs noted a substantial increase in the number of children between ages 14 and 17, especially those who were illiterate, working in the most dangerous forms of child labor.

The law establishes the minimum age for employment at 14 years and limits the workday to six hours. Children between 14 and 16 years of age must have parental approval to work. The law prohibits teenage domestic workers from sleeping in the house of their employers. MITRAB is responsible for caring for those teenage domestic workers unable to return each evening to their families.

During the year the Social Security Office (INSS) decreed that all employees more than 14 years old must be enrolled in the INSS social security system. The law also provides for eight-year prison terms and substantial fines for persons employing children in dangerous work and permits inspectors to close facilities employing child labor. The Government did not provide adequate resources for MITRAB to effectively enforce the law except in the small formal sector.

Most child labor occurred in the large informal sector, including on coffee plantations and subsistence farms, and in forestry, fishing, and hunting. According to the International Labor Organization's International Program on the Elimination of Child Labor, children engaged in the worst forms of child labor in plantation agriculture, shellfish harvesting, pumice and limestone quarrying, gold mining, industrial manufacturing, construction, commercial/retail, hospitality, and as domestic servants. Employers also used child laborers to cross major land borders with drugs and other contraband.

Children working in agriculture suffered from exposure to the sun, extreme temperatures, humidity, and dangerous pesticides and other chemicals. Hundreds of children working with their families faced exposure to sun, extreme temperatures, water pollution, and powerful ocean tides in harvesting black clams for ceviche.

The Government updated its national plan to eradicate the worst forms of child labor but did not coordinate its efforts with NGOs. On July 9, the Government appointed First Lady Rosario Murillo as the president's representative for the National Council on Childhood and Adolescence Integral Protection, which coordinates government efforts on children's rights and activities with civil society groups. The Government continued activities to incorporate working adolescents into the formal workforce by transferring children from the worst forms of child labor into nondangerous activities. NGOs offered vocational training to help adolescents develop job skills for EPZ factory employment. Through its inspections network, which included two child labor inspectors, MITRAB removed 394 child workers from coffee plantations.

e. Acceptable Conditions of Work.—The national minimum wage law establishes a statutory minimum wage for nine different economic sectors and is set through tripartite negotiations involving business, government, and labor. The National Assembly must approve any wage increases.

During the year the Government increased the minimum wage by an average of 33 percent. The monthly minimum wage ranged from 1,392 cordobas (approximately \$71) in the agricultural sector to 3,232 cordobas (\$166) in the financial sector. A

Central Bank review of the minimum wage adjustment reported that the minimum wage remained significantly below the Government's estimated basic cost of goods for an urban family of 8,670 cordobas (\$455). In general the minimum wage was enforced only in the formal sector.

The standard legal workweek is a maximum of 48 hours, with one day of rest; however, this provision was often ignored by employers who claimed that workers readily volunteered for extra hours for additional pay. While the law mandates premium pay for overtime and prohibits excessive compulsory overtime, these requirements were not always effectively enforced.

The law establishes occupational health and safety standards, but the Government did not allocate adequate staff or resources to enable the Office of Hygiene and Occupational Safety to enforce these provisions. The new labor hygiene and security law mandates the creation of regional offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation, collaboration with other government agencies and civil society organizations in developing assistance programs, and promoting training and prevention activities. The Government did not enforce the new law effectively. By year's end the Ministry of Labor had conducted 1,337 hygiene and occupational safety inspections of companies.

The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing continued employment, but many workers were unaware of this right.

Employers did not provide appropriate occupational health and safety training and adequate diving equipment for lobster divers in the RAAN, who had access to only one decompression chamber. On June 15, two Miskito community lobster divers suffered from decompression sickness after working at a depth of 120 feet, under conditions that lacked minimum required safety measures and equipment.

PANAMA

Panama, a constitutional democracy with an elected executive composed of a president and two vice presidents, has a population of approximately 3.3 million. In 2004 Democratic Revolutionary Party candidate Martin Torrijos won the presidency in national elections considered to be generally free and fair by international and domestic observers. Civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, serious problems remained. These included harsh prison conditions and abuse by prison guards; prolonged pretrial detention; corruption, ineffectiveness, and political manipulation of the judicial system; political pressure on the media; discrimination and violence against women; trafficking in persons; discrimination against indigenous communities; and child labor.

RESPECT FOR HUMAN RIGHTS

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

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

The Truth Commission, which operated from 2000 to 2004, documented 70 cases of murder and 40 disappearances during the 1968–89 military dictatorship. In October the attorney general announced that investigations had been either opened or reopened in 47 of these 110 cases in the past three years because of new evidence brought forward by the Special Instruction Agency of the Public Ministry. Sets of remains have been found in 15 of these 47 cases.

In July the attorney general opened an investigation into the alleged killings of more than 20 persons who reportedly were thrown from helicopters in the Darien region in the period 1982–83.

In December the attorney general charged the former minister of government and justice with homicide for a killing in 1971. The charge followed a series of investigative reports in the daily newspaper *La Prensa* about alleged crimes committed by the sitting minister during the military dictatorship.

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

The Supreme Court of Justice has ruled that the statute of limitations bars further prosecution of seven of the 40 cases of persons who disappeared during the 1968–89 military dictatorship.

The Public Ministry sent four sets of remains to DNA laboratories abroad for a determination of identity. Collateral evidence suggested that one set of remains pertained to priest Hector Gallego, who disappeared in 1971.

In September the Inter-American Commission on Human Rights (IACHR) ordered the Government to pay \$206,000 (the U.S. dollar is the official paper currency but is officially referred to as the Balboa) to the family of Heliodoro Portugal, who disappeared in 1970 during the military dictatorship, and to investigate, prosecute, and punish those responsible for his disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits treatment or punishment that harms the physical, mental, or moral integrity of persons.

Prison guards sometimes physically abused inmates. Through October the Panamanian National Police (PNP) Directorate of Professional Responsibility (DRP) opened 35 cases of prison guard abuse against inmates. The ombudsman received 169 complaints about prisons and prison guards, including complaints about abuse, general prison conditions, permission to work and study, and other complaints.

Prison and Detention Center Conditions.—Prison conditions remained harsh and, in some cases, life threatening. Many problems within the prisons stemmed from overcrowding, lack of separation of inmates according to the type or severity of the crime committed, and the use of police stations as detention facilities. As of September the prison system, which had an official capacity of 7,115 persons, held 10,570 prisoners.

Abuse by prison guards, mainly PNP custodians, was a problem. Generally, authorities forwarded cases involving criminal offenses to the Public Ministry for prosecution. As of September the Public Ministry had opened cases against 35 officers for corruption, abuse of authority, violence, and other offenses.

Prison authorities provided inadequate medical care. HIV/AIDS, tuberculosis, hepatitis B, and other communicable diseases were common among the prison population. Through early September, 25 prisoners died of such causes as AIDS, stabbing, and cardiac arrest. During the year only 15 physicians served the prison system; they provided medical attention during limited morning hours. In February a 60-bed clinic opened at La Joyita.

By year's end two persons allegedly involved in the January 2007 killing of one inmate and the wounding of another in the Basilio Lakas detention facility were in custody awaiting trial. In the first four months of the year, four civilian corrections officers were dismissed for various offenses, and 10 former civilian correction officers were imprisoned for drug-related crimes.

The General Penitentiary Inspection Directorate (DGSP) depended on 732 PNP officers to supply both internal and perimeter security at all prisons. There were 707 civilian custodians for the entire prison system. The DGSP continued to use regular PNP officers, who sometimes lacked training for prison duty, to fill staffing gaps. In prisons controlled by the PNP, prisoners complained of human rights violations, such as limited time outside of cells and limited access to family visits. Civilian custodians are responsible for inmates within Nueva Esperanza, Tinajitas, El Renacer, and the central women's prisons in Panama and Chiriqui provinces.

Small jails attached to local police stations around the country sometimes held prisoners for the entire length of their sentences, but police officers who guarded them lacked the necessary custodial training to prevent abuses, and typically the detention facilities were not suitable for long-term detention.

Although conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons, female prisoners, especially in primary detention areas, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene. There were no reports of sexual or other violence in women's prisons. These prisons were administered by female directors, custodians, and secretaries. Unlike prisons for men, women's prisons did not maintain conjugal visit programs.

With the exception of one modern facility near Panama City, juvenile pretrial and custodial detention centers throughout the country suffered from inadequate resources to provide for education or supervision. Pretrial detainees often shared cells with convicted prisoners, and first offenders were held with recidivists due to space constraints.

The Office of the Ombudsman had an established prison visit program, and the Government generally allowed ombudsman staff to speak with prisoners without monitoring. The office accepted complaints from prisoners or their families; however, prisoners expressed fear of retaliation if they complained. The nongovernmental organization (NGO) Justicia y Paz of the Catholic Bishops Conference brought prison

abuses to the attention of the authorities, including the presentation in March of a report to the IACHR regarding abuses and other dangerous conditions in prisons.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law permits exceptions when an officer apprehends a person during the commission of a crime or when an individual interferes with an officer's actions. The law provides that suspects be brought promptly before a judge; however, lack of prompt arraignment continued to be a problem. The law requires arresting officers to inform detainees immediately of the reasons for arrest or detention and of the right to immediate legal counsel. There is a functioning bail system and detainees were allowed prompt access to family members. During the year the police arrested and detained 2,699 children for minor infractions during neighborhood sweeps.

Role of the Police and Security Apparatus.—The Judicial Technical Police was absorbed into the PNP at the beginning of the year and replaced by a new judicial investigation unit, the Directorate of Judicial Investigation. Although its primary mission is law enforcement, the PNP was also detailed for prison security. At the beginning of the year, a National Frontier Directorate was created within the PNP, and in August it became an independent force, the National Frontier Service (SENAFRONT). The country has no army, although civilians, the media, and political opponents of the Government claimed that SENAFRONT would become a "mini-army." The PNP and SENAFRONT are under the civilian authority of the Ministry of Government and Justice. There were 14,682 police officers in PNP and SENAFRONT altogether. The law includes specific guidelines for the use of force, including deadly force; requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior.

Corruption among police officers remained a problem. Police officers frequently were involved in cases of narcotics smuggling and other crimes. The Government regularly investigated and prosecuted officials involved in criminal activity. In October the PNP director announced that five police officers would be removed from their posts and turned over to authorities for alleged links to a drug theft.

During the year prisoners at La Joya prison paid prison guards on two separate occasions to help them escape; several officers were later arrested and faced criminal charges. Problems of corruption at the higher levels of the PNP remained and generally were not pursued as vigorously as were cases against lower-level officers. In October, however, the DRP referred to the Public Ministry a case against a high-level officer for misappropriation of public funds after an internal investigation found him guilty.

The DRP has a staff of independent investigators to hold officers accountable for their actions, administrative authority to open internal investigations, and a defined legal process. The staff received training in polygraph usage and conducting internal investigations.

The PNP's deputy director and Secretary General addressed human rights problems that arose in the police force. A new Directorate of Human Rights, created in September, is responsible for levying sanctions on officers for human rights violations. Through October the human rights ombudsman received 24 complaints against police officials for abuse of authority. PNP officers regularly underwent human rights training.

As of September the DRP had opened 751 disciplinary proceedings against police, including 123 for domestic violence, 86 for corruption, and 99 for inappropriate conduct. Through September the PNP dismissed 18 officers, including nine for corruption.

Arrest and Detention.—The law prohibits police from detaining suspects for more than 48 hours without judicial authorization but permits detention of minors for 72 hours. The preliminary investigation phase may last from eight days to two months and the follow-up investigation phase another two to four months, depending on the number of suspects.

Extended pretrial detention continued to be a serious problem in part because of the use of a written inquisitorial system. According to government statistics, approximately 57 percent of prisoners were pretrial detainees. There was often prolonged pretrial detention, which at times exceeded the maximum sentence for the alleged crime. While the law provides for bail, in practice judges often declined to grant it. Detainees were allowed prompt access to legal counsel and family members, and the Government provided indigent defendants with a lawyer.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judicial system was susceptible to corruption and outside influence, in-

cluding manipulation by other branches of government. The president appoints nine Supreme Court of Justice magistrates to 10-year terms subject to National Assembly ratification. The Supreme Court of Justice magistrates, in turn, appoint appellate Superior Tribunal judges, who appoint circuit and municipal court judges in their respective jurisdictions. Although the law provides for these judicial appointments to be made under a merit-based system, certain civil society groups maintained that political influence and undue interference by higher-level judges undermined the system.

At the local level, mayors appoint “corregidores” (administrative judges), who exercise jurisdiction over minor civil cases and power over the arrest and imposition of fines or jail sentences of up to one year. Outside of Panama City, this system had serious shortcomings. Defendants lacked adequate procedural safeguards. Corregidores usually were not attorneys. In practice appeal procedures were generally nonexistent. Affluent defendants often paid fines while poorer defendants went to jail, contributing to prison overcrowding.

Trial Procedures.—The law provides that all citizens charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding. On June 17, the National Assembly approved a new Code of Criminal Procedures (new Code), through which the country will transition over six years from an inquisitorial to an accusatory system of justice. The new Code also incorporates anticorruption elements, such as regulations to penalize conflicts of interest, protect witnesses and whistleblowers, and allow the use of plea bargaining.

Trials are open to the public. The law provides for trial by jury at the defendant’s election but only in cases where at least one of the charges is murder. Judges may order the presence of pretrial detainees for rendering or amplification of statements or for confronting witnesses. Trials are conducted on the basis of evidence presented by the public prosecutor. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right of appeal. The law extends these rights to all citizens.

The law obliges the Government to provide public defenders for the indigent. Many public defenders, however, were appointed late in an investigation, after the prosecutor already had evaluated the bulk of the evidence and decided to recommend trial. Public defenders’ caseloads remained extremely high, averaging 265 cases per attorney per year.

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

Civil Judicial Procedures and Remedies.—The constitution and the judicial code establish an independent judiciary in civil matters. Political manipulation of the judicial system remained a problem, and bureaucratic delays hindered access to judicial and administrative remedies for human rights violations. There were problems in enforcing domestic court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions and the Government generally respected these prohibitions; however, there were complaints that in some cases law enforcement authorities failed to follow legal requirements and conducted unauthorized searches.

In an effort to prevent unauthorized searches, the Public Ministry maintained one representative to approve searches in each PNP division. The representative approved several searches during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press. In practice individuals generally enjoyed freedom of expression, although there were some attempts to impede it.

The independent media were active and expressed a variety of views without restriction. The Government owned one educational television station and one radio station. The law prohibits newspapers from holding radio and television concessions and vice versa. International media operated freely in the country.

Journalists and press freedom advocacy organizations reported that the Government engaged in substantial manipulation of the free flow of information. Journalists alleged that the Government purchased advertising space to reward news organizations for publishing favorable stories and withdrew advertising funding from

news organizations engaged in unfavorable coverage. Legal actions were pending against many journalists. The IACHR, the Inter-American Press Association, Reporters Without Borders, and other groups criticized these measures as efforts to censor the press.

In May the new Code came into effect with mixed results for freedom of the press. The new Code abolished Article 175, which sanctioned criminal and civil libel cases against journalists. Two new articles allow prosecution of journalists for vague and undefined charges against exposing private information and documents, even those deemed of public interest. The new Code also permits the prosecution of journalists for publishing information and documents restricted or classified by the Government on national security grounds. NGOs asserted that these articles threatened freedom of speech and press.

In July the Supreme Court overturned as unconstitutional 183 pardons issued by former president Moscoso, including those of several journalists who had been convicted of libel under laws no longer in force. Journalists welcomed the ruling as a correcting executive power abuse; however, the actual impact on journalists involved remained uncertain at year's end because the court's decision requires the cases to be returned to their "original state," which was yet to be clarified by the Government.

In September a judge ordered the seizure of the local newspaper *El Periodico's* assets for publishing the tax returns of a prominent businessman. After the judgment the newspaper published two additional issues before going out of business. The case remained under appeal.

Internet Freedom.—There were no government restrictions on access to the Internet and no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that 22 percent of the nation's populace used the Internet in 2007.

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

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

At year's end one Odebrecht worker and a PNP officer remained in custody awaiting trial for killing two SUNTRACS union members in August 2007.

c. Freedom of Religion.—The law provides for freedom of religion, provided that "Christian morality and public order" are respected, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses, discrimination, or anti-Semitic acts. There was a Jewish population of approximately 10,000 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The Government generally permitted freedom of movement for documented refugees and asylum seekers in the large urban centers; however, it restricted the freedom of movement of Colombian nationals living in the border region with Colombia under the THP regime, who could only leave these locations with special permits issued by the National Office for the Protection of Refugees (ONPAR).

The law prohibits forced exile, and there were no reports of its use.

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

In practice the Government provided limited protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, but there was no accurate data available on the number of such cases. ONPAR supervised borders with Colombia and Costa Rica. At times border officials and au-

thorities in large urban centers did not have a clear understanding of their responsibilities when dealing with persons seeking asylum or refugee status, which resulted in arbitrary detention and risk of refoulement.

Asylum seekers and refugees were not provided with documentation in a timely fashion, and these documents were not always recognized as valid by public officials, including police, health service providers, schools, and banking institutions. Work permits were issued after a lengthy bureaucratic process.

At year's end migration authorities maintained in custody a group of 19 persons from Somalia, Eritrea, and Ethiopia who manifested a need for international protection; some of them had been detained for more than three months. Despite UNHCR referrals of the cases to ONPAR, these individuals were neither interviewed nor granted access to asylum procedures. The status of two additional groups of African nationals who arrived during the year remained pending at year's end.

Approximately 200 to 300 persons approached the Government seeking refugee status, according to ONPAR. The law requires that the Government's National Commission for the Protection of Refugees meet at least once every three months to determine the status of persons seeking refugee status. During the year the commission held two sessions in which seven cases (36 persons) were granted refugee status.

There were approximately 1,000 refugees in the country, including the 47 persons from the indigenous Wounaan community in Colombia who obtained refugee status in 2006.

On May 9, the Government passed Law 25 creating an exceptional legal mechanism that allowed refugees to apply for permanent residency status. This mechanism applies only to persons who have been recognized as refugees for more than 10 years and requires that the applications be submitted within two years. Regulations and implementation procedures for this law, which took effect in November, had not been released by year's end. A 1998 decree grants protection to all persons entering the country due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants two months' temporary humanitarian protection to "displaced persons" in the case of a large influx. In practice the Government did not enforce the two-month time limit.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. This included the continued temporary humanitarian protection of approximately 542 displaced Afro-Colombians and approximately 359 of their dependents, some of whom were Panamanian citizens. Among these dependents were children born in the country as a result of marriages between displaced Colombians and Panamanian citizens. The Government did not permit displaced Colombians to move or work outside of their assigned villages. Many displaced Colombians informed the Government and UNHCR that they did not want to return to Colombia due to family and cultural ties with the local communities in Panama.

The UNHCR classified as "persons of concern" an estimated 15,000 persons living in the country who were believed to need international protection. These included persons for whom the Government had denied refugee status and persons in the country who did not apply for refugee status due to lack of knowledge or fear of deportation. Among these persons were 62 Embera indigenous community members who left Colombia in 2005. Their cases were heard and rejected by the National Commission for the Protection of Refugees in October, but international humanitarian organizations noted irregularities in due process. The UNHCR had a permanent office in the country and was generally granted access to refugees and project sites where it could provide services to refugees, internally displaced persons, and persons under temporary humanitarian protection.

Stateless Persons.—Citizenship is derived by birth within the country's territory, and the law provides for universal birth registration. The Government made a sustained and successful effort to provide birth certificates to the Panamanian-born children of the 542 displaced Colombians. In remote areas some parents for economic or other reasons did not register their children at birth with the Office of Civil Registry of the Electoral Tribunal, the Government agency responsible for birth registrations. These children occasionally experienced difficulties when later seeking to obtain a birth certificate. Persons without a birth registration certificate often had problems voting or accessing government services beyond basic education and healthcare.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections

based on universal suffrage. The law provides for direct popular election every five years of the president, the vice president, legislators, and local representatives. Naturalized citizens may not hold certain categories of elective office.

Elections and Political Participation.—In 2004 Democratic Revolutionary Party candidate Martin Torrijos won the presidency in national elections considered to be generally free and fair by domestic and international observers.

The law requires new political parties to meet strict membership and organizational standards to gain official recognition and participate in national campaigns. The law also requires political parties to be structured democratically, permits independents to campaign for the National Assembly, provides for the autonomy of the Electoral Tribunal, and limits the immunity of representatives in the National Assembly by permitting the Supreme Court of Justice to prosecute criminal cases against representatives.

Women held 12 of 78 seats in the legislature. There were four women in the 17-member cabinet and one female judge on the Supreme Court of Justice. The attorney general was a woman.

Five seats in the legislature were designated to represent the country's recognized indigenous regions. In general deputies in the legislature, cabinet members, or members of the Supreme Court of Justice did not identify themselves as members of ethnic or racial minorities.

Government Corruption and Transparency.—The new Criminal Procedure Law criminalizes corruption and provides anticorruption mechanisms and norms, such as asset forfeiture and recovery mechanisms, whistleblower and witness protection, plea bargaining, and conflict of interest rules.

While the country made progress in control of corruption and regulatory quality, there were continued instances of government corruption. Weak administration and accountability among the branches of government and in rural areas facilitated corruption.

At year's end six employees of the Ministry of Education were in custody, charged with embezzling \$1.5 million from the Fund for Fairness and Quality in Education, funds intended to improve impoverished public schools. This prosecution resulted from training undertaken by the Anticorruption Investigation Unit in the Attorney General's Office, a part of the Government's Good Governance Program.

To increase transparency and reduce corruption, the Government transferred certain functions to computer-based processes. For example, the Government's Internet-based procurement system (PanamaCompra) requires publication of all proposed government purchases on the Internet, the evaluation of proposals and monitoring of the procurement process, and advance public notice of intended procurement, including technical specifications and tender documents. An administrative court, whose rulings are subject to Supreme Court review, handles all public contracting disputes.

Additionally, commercial or industrial licenses may be obtained through the country's online business registration service (PanamaEmprende). This innovation, in which a prospective business owner may register his or her business in 15 minutes, reduced opportunities for corruption from the former process, which took 60 days and involved numerous interactions with local officials.

In September the Citizens Alliance for Justice reported that 87 percent of the goals set forth in the 2005 "State Pact for Justice" (a reform agenda for the years 2005–09 to curtail corruption) remained to be achieved.

Public officials were subject to financial disclosure laws, but this information, reported to the Government, was not available to the public.

The transparency law provides public access to information from and about public entities with the exception of cabinet meeting minutes. When requests were denied, the reasons for the denial were given. Requesters can appeal access decisions to the Supreme Court of Justice.

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

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

The Office of the Human Rights Ombudsman, elected by the National Assembly, has moral but no legal authority. Between January and November, the Office of the Ombudsman received 343 complaints and provided 3,889 legal orientations to citizen groups to familiarize them with their rights. The ombudsman enjoyed the Government's cooperation and operated without government or party interference. The

office had adequate resources, was considered to be effective, enjoyed public confidence, and issued reports with recommendations on environmental contamination and prison conditions on which the Government took action.

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, but there were allegations that these prohibitions were not always effectively enforced.

Women.—The new Code, which went into effect in May, criminalizes rape and spousal rape with prison terms of five to 10 years and eight to 10 years with aggravating circumstances. The new Code removes the provision that a perpetrator can marry a victim who is at least age 14 and reduce the charge. It also mandates charging the perpetrator if the victim is between 14 and 18 years of age, unless there is proof of a longstanding relationship and the difference in age is less than five years. The majority of sexual crimes investigated by the PNP were cases of rape; however, statistics on prosecutions and convictions were not available. The PNP reported that it investigated every case relating to rape and domestic violence it received during the year.

The law criminalizes domestic abuse and family violence, for which it provides prison terms of two to four years. Domestic violence against women continued to be a serious problem. There were few convictions for domestic violence, except that abusers were commonly convicted of unintentional killing in cases of abuse leading to spousal death. Between January and August, the PNP registered 1,212 cases of domestic violence and 436 cases of rape. Between January and December, 32 women died in domestic violence incidents. From January until October, the Ministry of Social Development (MIDES) received 901 complaints of domestic violence. In May the law was amended to make domestic violence an “aggravating circumstance” in homicide cases.

MIDES’ National Directorate of Women, the Government agency responsible for promoting the rights of women, oversaw a national media campaign, “You are Not Alone,” which encouraged citizens to report incidents of domestic violence. MIDES also produced a directory of resources for female victims of domestic violence.

The Government operated one shelter in Panama City for victims of domestic abuse and their children; the facility also occasionally sheltered trafficking victims. The shelter offered social, psychological, medical, and legal services. Between January and August, it provided accommodation and social services to approximately 54 women and 81 children.

Although prostitution is legal and regulated, with prostitutes required to register and carry identification cards, the majority of prostitutes were not registered. Although 2,650 sex workers were registered with the Government, there was no accurate information regarding the number of persons practicing prostitution in the country. Trafficking in women was a problem.

The law prohibits sexual harassment in cases of established employer/employee relations in the private sector and in teacher/student relations; violators can receive one- to three-year prison sentences. The extent of the problem was difficult to determine because convictions for sexual harassment were rare, and preemployment sexual harassment was not actionable. The effectiveness of law enforcement could not be determined due to the small number of cases brought before the courts.

The law prohibits discrimination on the basis of gender, and women officially enjoyed the same rights as men, including rights under family law, property law, and the judicial penal system. Although the law recognizes joint or common property in marriages, the Government did not allocate sufficient resources to enforce the law effectively. Although the law prohibits pregnancy discrimination, the International Labor Organization (ILO) Committee of Experts requested that the Government take further measures to ensure that women on temporary contracts are not vulnerable to pregnancy discrimination.

The law mandates equal pay for men and women in equivalent jobs, but in practice women on average received wages that were 30 to 40 percent lower than those received by men. Data was not available regarding executive positions held by women in the private sector, but 41 percent of government managers were women.

MIDES, through the National Directorate of Women, promoted equality of women in the workplace and equal pay for equal work, attempted to reduce sexual harassment, and advocated legal reforms.

Children.—The Government was committed to children’s rights and welfare.

Although the law provides that citizenship is derived by birth within the country’s territory, there were reports that children in remote areas had difficulty in obtaining birth registration certificates (*See* Section 2.d.).

Education is compulsory through the ninth grade and the law establishes free public education through high school, but children did not always attend school due to traditional attitudes, financial and economic constraints, lack of transportation, and scarcity of secondary schools.

During the year the Public Ministry counted 617 criminal cases of sexual exploitation of minors, including 237 incidences of rape. Lack of reporting remained a problem, often because of parental involvement or complicity. Sexual abuse of children was reported in both urban and rural areas, as well as within indigenous communities.

MIDES received complaints regarding physical abuse of children. The ministry maintained a free phone line attended by psychologists, a lawyer, and social workers for children and adults to report abuses, and continued a television and newspaper campaign encouraging individuals to use the line. Between January and September, the line received 757 complaints of child mistreatment. Victims were directed to police authorities, hospitals, and protection centers.

Child labor was a problem, and trafficking in children occurred.

MIDES provided funding to 43 children's shelters operated by NGOs in seven provinces. Between January and August, these shelters housed 1,927 children. MIDES continued a program that used pamphlets in schools to sensitize teachers, children, and parents about maltreatment and sexual abuse of children.

The incidence of youth gang violence continued to rise, especially in poorer neighborhoods of Colon, David, and Panama City. Young adult gang leaders and some organized crime elements continued recruiting minors, with recruiters focusing on procuring youth to transport narcotics and other contraband, and perform killings for hire. Police continued to arrest and detain youths for minor infractions during neighborhood sweeps.

Trafficking in Persons.—Although the law prohibits trafficking in persons for the purpose of sexual exploitation, persons were trafficked to, from, and within the country. The PNP Sex Crimes Unit reported that most victims trafficked into the country came from Colombia, the Dominican Republic, and Central America. The primary destinations for victims trafficked from the country were Jamaica and Europe. Most victims trafficked within the country were women and children trafficked into the sex trade. The PNP Sex Crimes Unit reported that the vast majority of trafficking victims were women older than 18 years.

The principal traffickers in the country were owners of houses of prostitution, and most transnational trafficking occurred using valid travel documents and was conducted through official ports of entry.

The Ministry of Government and Justice is responsible for developing policies to reduce trafficking in persons. MIDES is charged with protecting victims through shelters and related services. The PNP Sex Crimes Unit has responsibility for investigating and arresting persons involved in trafficking. The unit worked closely with the PNP Special Section on Crimes of Sexual Exploitation and the Division of Crimes relating to Shame, Integrity, and Sexual Liberty.

The law criminalizes trafficking and pornography and proscribes the promotion of sex tourism and use of the Internet for soliciting for sexual exploitation. Persons who engage in human trafficking for sexual activity can receive five to eight years in prison or, in cases involving a minor, eight to 10 years. The law permits undercover operations and the monitoring of suspects' computers in sex crime cases. As of October the foreign national convicted and sentenced in 2007 to five years' imprisonment for trafficking in persons remained free on bail pending appeal.

In the 13 months preceding June, the PNP Sex Crimes Unit investigated 34 cases of child prostitution, 24 cases of child pornography, and 16 cases of sexual trafficking; the prosecutor's office initiated its own investigations. There was no information available on the outcome of the investigations.

The immigration law that took effect in August under Executive Decree 320 eliminates the "alternadora" visa, a visa permitting foreign women to work in entertainment establishments in the country and commonly used to facilitate prostitution. Under the new law, nightclub workers and adult entertainers fall under the general visa class for all types of entertainers who wish to enter the country for temporary work. The law also creates a new registry for businesses dedicated to entertainment in the country, which is intended in part to limit requests for visas in the adult entertainment industry, permit monitoring of businesses that apply, and ensure that the businesses operate legally. In addition to numerous documentation requirements, the new law requires that all entertainment visa holders attend an antitrafficking education seminar at the Immigration Directorate. Individual visa applicants must provide comprehensive personal information, make a \$1,000 deposit with the Immigration Directorate, and provide proof of a return ticket to their home

countries. No entertainment visas have been granted to employees of bars or night-clubs under the new law.

The new immigration law, which emphasizes cases involving minors, also creates a special trafficking victims' unit within the Immigration Directorate; a full-time employee was hired to manage the unit. The unit must provide physical and identity protection to victims in addition to returning them to their countries of origin and mandates several measures to combat trafficking. The new unit assisted at least one Colombian woman and her family who were working in the country illegally.

In December 2007 the attorney general issued an internal decree (Resolution 35) mandating that every province have a prosecutor trained to prosecute trafficking cases. Additionally, a prosecutor, based in Panama City, was dedicated solely to prosecuting trafficking cases.

The law does not hold trafficking victims criminally responsible for prostitution or immigration crimes. The law provides for indemnification of victims of trafficking, even if they return to their home country, and for costs of medical and psychological treatment, temporary housing, legal fees, and emotional suffering.

The country's consular officers provided assistance to trafficking victims. MIDES continued providing shelter and other services to victims of commercial sexual exploitation, using substitute families, its own shelter, and the shelter of the NGO Hogar Malambo, which it subsidized. The Government shelter, which was located in a former prison, did not have adequate infrastructure to house trafficking victims.

The Government worked with the ILO's International Program on the Elimination of Child Labor (IPEC) on trafficking initiatives, including through producing pamphlets on sexual exploitation and trafficking for distribution to public school educators. The Commission on Justice and Peace, a Catholic NGO, counseled victims about their rights and modes of assistance, and the Center of Legal Assistance provided legal assistance for victims. The Center of Family Studies and Training researched trafficking and educated women about trafficking and gender-based crime. In an effort to detect trafficking of minors, the new immigration law requires the creation of a registry of minors traveling internationally without parents or other legal guardians.

The National Committee for the Prevention of Sexual Crime (CONAPREDES) allocated additional funding for combating trafficking and for victims' assistance via member institutions. The law requires that, to raise revenue for the activities of CONAPREDES, customs authorities collect one dollar from each tourist leaving the country; however, at year's end the Government had not implemented a mechanism to collect these funds. The Government cooperated through information sharing with international investigations of persons accused of trafficking. In June CONAPREDES rolled out the Government's National Plan for the Prevention and Elimination of Sexual and Commercial Exploitation of Children and Adolescents, 2008–2010, and in November opened a three-person technical office to implement the plan.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination based on physical or mental disability; however, the constitution permits the state to deny naturalization to persons with mental or physical disabilities. Persons with disabilities continued to experience substantial discrimination in employment, education, access to health care, and other state services. Although some public schools admitted children with mental and physical disabilities, most did not have adequate facilities for children with special needs. The Government took some remedial steps, including installing ramps in schools and mainstreaming some children with disabilities. The law mandates access to new or remodeled public buildings for persons with disabilities and requires that schools integrate children with special needs.

Although private schools built ramps to comply with the law mandating access, few admitted children with special needs. In May the Government established a consultative committee, Let's Live without Barriers, to follow up on enforcement of laws for inclusion and access for persons with disabilities. The committee produced accessibility guidelines for public areas and held awareness workshops with engineers and architects to brief them on the guidelines for ramps, entrances, and parking spaces.

By September the ombudsman had received five complaints of violations of the rights of persons with disabilities.

The National Secretariat for the Social Integration of Persons with Disabilities is the Government agency responsible for protecting the rights of persons with disabilities.

ities. The Ministry of Education and MIDES share responsibilities for educating and training minors with disabilities.

The Ministry of Labor and Labor Development (MITRADEL) was responsible for placing workers with disabilities in suitable jobs. Placement remained difficult due to employer reluctance to hire workers with disabilities, despite a legal requirement that at least 2 percent of personnel be persons with disabilities.

The Government continued operating the Family Businesses Project, which assisted 296 low-income families with members with disabilities to open micro-businesses. The Government disbursed \$50 monthly to low-income persons with disabilities and also continued donating rehabilitation equipment, including crutches, wheelchairs, and cerebral palsy chairs.

National/Racial/Ethnic Minorities.—Minority groups generally have been integrated into mainstream society, but problems continued with negative societal attitudes toward blacks, indigenous groups, and other ethnic communities. Generalized public prejudice, including ethnic slurs, against the country's newer immigrants at times was overt. Cultural differences, illegal immigration status, and language difficulties hindered a number of immigrant and first-generation Chinese from fully integrating into mainstream society.

At times Middle Eastern and Indian residents also were the subject of negative societal attitudes by the general public because of reluctance by some members of these communities to integrate into mainstream society. These groups often owned major businesses or worked in the country's retail trade. A constitutional provision reserving retail trade for citizens of the country generally was not enforced.

At least 14 percent of the population identified themselves as black. The black community was underrepresented in the highest positions of political and economic power. Many blacks remained clustered in economically depressed areas of Colon and Panama City. Societal prejudices toward blacks generally were subtle. Although the law specifically prohibits discrimination involving entry to public or commercial establishments, such as restaurants, and sets fines from \$250 to \$1,000 for violations, there were reports that some commercial establishments continued openly to operate a "right of admission" policy, discriminating against darker-skinned individuals or those of lower social status. Cases of discrimination were difficult to prove, imposing complicated, time-consuming, and costly requirements to obtain legal remedies. In December the daily *La Prensa* reported that a bar refused entry to a black person, but no official complaint was filed.

There were reports of racial discrimination against various ethnic groups in the workplace. In general lighter-skinned persons were represented disproportionately in management positions and jobs that required dealing with the public, such as bank tellers and receptionists. Some of the country's lighter-skinned elite discriminated against citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector. Employers often required job applicants to submit photographs with their resume, which they used to discriminate against persons based on appearance.

Indigenous People.—The law affords indigenous people the same political and legal rights as other citizens, protects their ethnic identity and native languages, and requires the Government to provide bilingual literacy programs in indigenous communities. Indigenous people, comprising approximately 10 percent of the population, have the legal right to take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. There were legally designated comarcas (provincial-level indigenous regions) governed by traditional community leaders for five of the country's seven indigenous groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. The Government did not recognize comarcas for the Bri-Bri and Naso communities.

The Ministry of Government and Justice maintained an Office of Indigenous Policy. Although federal law is the ultimate authority on indigenous reserves, local groups maintained considerable autonomy. The Government recognized traditional Kuna marriage rites as the equivalent of a civil ceremony. Indigenous workers had greater health problems and mortality rates, suffered from lack of educational and health services, had lower life expectancy, and experienced higher levels of malnutrition compared to nonindigenous workers. The International Fund for Agricultural Development estimated the poverty rate among the indigenous population at 95 percent. Although indigenous people represented only 10 percent of the population, they accounted for 19 percent of those considered poor and 34 percent of those in extreme poverty.

Many indigenous people misunderstood their rights and failed to employ legal channels when threatened because they did not have an adequate command of Spanish. The Government did not provide legal tribunals in indigenous areas and

failed to address specific indigenous property and resource use rights problems. Outside settler encroachment threatened the comarca of the Ngobe-Bugle, while the Embera-Wounaan struggled to protect their intellectual property rights concerning medicinal plants.

Social and employment discrimination against indigenous people was widespread. The ILO reported that employers paid indigenous workers 32 percent less than non-indigenous workers. Employers frequently did not afford indigenous workers basic rights provided by the labor laws such as a minimum wage, social security benefits, termination pay, and job security. Indigenous laborers in the country's sugar, coffee, and banana plantations continued to work under worse conditions than their non-indigenous counterparts. Employers were less likely to provide quality housing or food to indigenous migrant laborers, and the children of these workers were much more likely to work long hours of heavy farm labor than nonindigenous children. A 2006 ILO report, the most recent available, estimated that 14 percent of indigenous children ages 5 to 17 performed some type of child labor.

Other Societal Abuses and Discrimination.—An August 1 executive decree decriminalized sodomy. There was societal discrimination against homosexuals, who often were denied employment opportunities. The internal regulations of the PNP describe homosexuality as a “grave fault.” There were reports that the PNP fired police officers because of the officers’ sexual preferences and that officers hid their sexual orientation due to fear of job termination. The DRP director defended the regulations on the basis that both physical and mental health were required of police officers.

The law prohibits discrimination against persons with HIV/AIDS in employment and education, but discrimination continued to be common due to ignorance of the law and a lack of mechanisms for ensuring compliance. The Ministry of Health and Social Security provided treatment for HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law recognizes the right of private-sector workers to form and join unions of their choice, a choice that is subject to the union's registration with the Government. The law requires a minimum of 40 persons to form a private-sector union and permits only one union per business establishment; the ILO Committee of Experts criticized both provisions as violations of workers' rights to organize. The law permits workers to organize under a skill set or trade unions, as long as these have 40 members. These unions may operate alongside employer-specific unions in the same business.

The law prohibits public servants from forming unions but allows them to form associations, which can bargain collectively on behalf of members. Union leaders for both public- and private-sector unions must be citizens.

The law provides that if the Government does not respond to a registration application within 15 days, the union automatically gains legal recognition; however, unionists asserted that such automatic registration did not occur in practice. MITRADEL reported that inadequate personnel resources, case backlogs, and incomplete or inaccurate information in applications delayed the processing of new registrations within the required time frame.

The National Federation of Public Servants (FENASEP), an umbrella organization of 21 public-sector worker associations representing primarily administrative staff of government agencies, is not permitted to call strikes or negotiate collective bargaining agreements, as individual associations negotiate on behalf of their members. Other public workers, such as doctors, nurses, and firefighters, have separate associations that negotiate on their behalf. The law grants public employees a limited right to strike, except for those in areas vital to public welfare and security, including police and health workers. At least 25 percent of the workforce must continue to provide minimum services in the case of administrative workers, and 50 percent of workers providing “essential public services,” such as transportation, firefighting, telecommunications, and mail, must continue to provide those services.

The ILO Committee of Experts expressed continued concerns that the Government had not amended the law to permit strikes by federations such as FENASEP. The ILO also requested that the Government remove transport workers from strike restrictions in essential services.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,497 employees but does allow unions to organize and to bargain collectively on such issues as hours and safety and provides for arbitration to resolve disputes. There were no developments respecting the claim the National Confederation of United Unions filed with the IACHR filed on behalf of Panama Canal employees, which protested the Supreme Court's failure to rule on its 2001 complaint against articles of the law that prohibit its members' right to strike.

b. The Right to Organize and Bargain Collectively.—The law provides all private-sector and most public-sector workers the right to organize and bargain collectively, and private worker unions exercised this right widely. The law establishes a conciliation section in MITRADEL to resolve private labor complaints and provides a procedure for mediation.

These conciliation tribunals include representatives from the Government, labor, and the private sector, and address cases in which the claim in dispute is no more than \$1,500. While labor leaders favored these tribunals, some civil society groups criticized the tribunals as routes for circumventing the role of the judiciary and leaving interpretation of labor laws to the discretion of persons who might lack expertise. A Board of Appeal and Conciliation in the Ministry of the Presidency hears and resolves complaints for public-sector workers. If not resolved by the board, complaints are referred to an Arbitrage Tribunal, which consists of representatives from the employer, the employee association, and a third member chosen by the first two. Decisions of the Arbitrage Board are final.

Employers in the retail industry frequently hired temporary workers to circumvent labor code requirements for permanent workers. In lower-skilled service jobs, employers often hired employees under three-month contracts for several years, sometimes sending such employees home for a month and later rehiring them. Employers also circumvented the law requiring a two-week notice for discharges by dismissing some workers one week before a holiday. Due to labor laws that make it difficult to fire employees who have worked two years or more, employers frequently hired workers for one year and 11 months and subsequently laid them off.

MITRADEL's Manual of Labor Rights and Obligations provides that unorganized workers can petition MITRADEL regarding labor rights violations and exercise the right to strike but that only unions can negotiate collective bargaining agreements. However, Supreme Court decisions have recognized that collective agreements negotiated between employers and unorganized workers have legal status equivalent to collective bargaining agreements.

The labor code prohibits employer antiunion discrimination and protects workers engaged in union activities from loss of employment or discriminatory transfers.

The Government reduced the minimum number of public servants required to form a worker association from 50 to 40, a number the ILO Committee of Experts still considered too high. According to the National Council of Organized Workers, only 8 to 10 percent of workers were unionized. The leaders of the four public-service worker associations enjoy legal immunity from dismissal and other employer retaliatory behavior in relation to worker representation and organizing activities.

In 2007 the Government offered \$21.9 million as final compensation for 270 dismissed public-sector electricity and telecommunications workers in an effort to comply with a 2001 Inter-American Court of Human Rights ruling. In August, 187 of the workers, more than two-thirds as required by the IACHR ruling, agreed to accept this offer as final compensation.

Unions and collective bargaining are permitted in export processing zones (EPZs) and call centers. A strike is considered legal after 36 work days of conciliation; otherwise, striking workers could be fined or fired. These procedures are somewhat more prescriptive than those that generally apply.

There were approximately 1,142 employees in the country's 15 EPZs and 6,124 employees in the country's 58 call centers, which operated under the law applicable to EPZs.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law contains provisions to prevent exploitation of children in the workplace. MITRADEL, which has responsibility for enforcement, was reasonably effective in enforcing the law in the formal sector. During the year the ministry performed 440 inspections to ensure compliance with child labor regulations.

The labor code prohibits the employment of children under age 14, although exceptions can be made for children 12 and over to perform light farm work for up to six hours per day that does not interfere with their school hours. The law prohibits the employment of minors age 15 and older if the minor has not completed primary school. Nonetheless, child labor in agriculture and in the informal sector of the economy remained a problem, and the ombudsman reported that 55,919 children were working instead of attending school.

The law provides that children under age 18 cannot work more than six hours per day and cannot work at night. The law prohibits the employment of minors

under the age of 18 in hazardous labor. MITRADEL enforced these provisions in response to complaints and has authority to order the termination of unauthorized employment. The Government acknowledged that it was unable to enforce some child labor provisions in rural parts of the country; due to insufficient staff, MITRADEL conducted only limited inspections in those areas.

Child labor violations occurred most frequently in rural areas, in subsistence and commercial agriculture, especially during the harvest of sugar cane, coffee, palm, melons, and tomatoes. Farm owners often paid according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. The problem of child labor in agricultural areas fell most heavily on indigenous families, who often migrated out of their isolated communities in search of paid work. These frequent migrations interrupted schooling.

Child domestic labor was a problem. According to the 2000 census, the most recent available, more than 6,000 children between the ages of 10 and 17 worked as domestic servants, although the law prohibits such employment under age 14. Government enforcement of domestic labor violations was traditionally weak because the place of work was a private residence.

Many children continued laboring in the informal sector as street vendors, shoe shiners, car window washers, baggers in supermarkets, trash pickers, or beggars. A 2005 ILO survey, the most recent available, estimated that 52,000 children between the ages of five and 17 worked in the informal sector. There were no firm statistics available regarding the number of child laborers or the number of working children who did not attend school.

The Government provided awareness raising and training on combating child labor for its officials and civil society. The Department of Children, within MIDES, searched the main streets of Panama City twice monthly looking for children engaged in work; it also managed a hot line to receive reports of child labor. MIDES also operated programs in three districts of Panama City, which offered comprehensive services to children at risk and their families, including home visits, tutoring, counseling for parents, and school visits.

The Committee for the Eradication of Child Labor and Protection of Working Adolescents, established in March, provided 2,500 scholarships to children ages 5 to 14 who were working in the metropolitan areas of Panama City and Colon.

IPEC, with government support, continued carrying out programs in the comarca of the Ngobe-Bugle, in Santiago de Veraguas, and in Chorrera to provide scholarships to working children to allow them to begin or return to primary school and to provide their parents job training and literacy programs. During the year 369 students received individual scholarships of \$420 through this program.

e. Acceptable Conditions of Work.—The law establishes minimum wage rates for specific regions and for most categories of labor. In 2007 new regional and sector specific minimum wages were established as part of a transparent process that included representatives from labor, business, and government. The minimum wage ranged from \$1.01 to \$1.87 per hour. The agricultural and construction sectors received the lowest and highest minimum wage, respectively. This wage did not provide a decent standard of living for a worker and family. Most workers formally employed in urban areas earned the minimum wage or more. Approximately 40 percent of the population worked in the large informal sector and earned far below the minimum wage. This was particularly the case in most rural areas, where unskilled laborers earned from three to three to six dollars per day without benefits. The Government did not enforce labor laws in most rural areas.

The law establishes a standard workweek of 48 hours, provides for at least one 24-hour rest period weekly, limits the number of hours worked per week, provides for premium pay for overtime, and prohibits excessive or compulsory overtime. MITRADEL generally enforced these standards in the formal sector.

MITRADEL is responsible for setting and enforcing health and safety standards and generally did so. Information on the number of workplace inspections during the year was unavailable.

Inspectors from MITRADEL and the occupational health section of the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints. The Government failed to adequately enforce health and safety standards. Construction workers and their employers were lax about conforming to basic safety measures.

The labor code requires employers to provide a safe workplace environment, including the provision of protective clothing and equipment for workers, but does not specifically recognize the right of a worker to leave a dangerous work situation without jeopardy to continued employment. In practice workers removed themselves

from situations that presented an immediate health or safety hazard without jeopardizing their employment.

PARAGUAY

Paraguay is a multiparty, constitutional republic with a population of approximately 6.7 million. Voters elected Fernando Lugo of the Patriotic Alliance for Change as president in generally free and fair April 20 elections that ended 61 years of Colorado Party rule. The civilian authorities generally maintained control of the security forces.

Although the Government generally respected the human rights of its citizens, there were serious abuses in some areas. There were reports of killings by police, which the Government investigated but rarely prosecuted. Some prisoners were reportedly subject to torture and abuse by government agents. Prisons were routinely overcrowded. Political interference, corruption, and inefficiency in the judiciary were common, as was lengthy pretrial detention. Journalists were harassed and intimidated. Government corruption was a serious problem. Violence and discrimination against women, indigenous persons, and persons with disabilities continued, as did trafficking in persons. Exploitative child labor and violations of workers' rights were serious problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were reports that security forces using unwarranted or excessive force killed several persons, including persons in their custody.

A January 23 confrontation in Ciudad del Este between police and gang members who kidnapped a 17-year-old boy resulted in the deaths of gang members Valdecir Pinheiro dos Santos, Juan Anibal Gonzalez, Jorge Ruben Acosta, Sebastian Gonzalez Gonzalez, and Cesar Martinez.

On August 22, police officers shot 20-year-old Leticia Veronica Lugo in Villa Elisa, after she failed to stop her vehicle for inspection and led them on a brief chase. Prosecutors were investigating 12 police officers, including local police commissioner Federico Noguera, for attempted homicide and failure to assist the victim. On August 25, then police commissioner Federico Acuna acknowledged police negligence in the case.

On December 30, police officer Gustavo Arnaldo Duarte was arrested for killing security guard Salinas Vicente Gonzalez while Duarte attempted to rob a local business.

On March 24, an unknown assailant killed Geraldino Rotela, a prominent political activist, in Caazapa Department.

On April 9, unknown assailants seriously injured radio talk show host and political activist Alfredo Avalos and killed his wife Silvana Rodriguez in Curuguaty.

There were no developments in the May 2007 killings of Nancy Martinez, Cesar Gonzalez, Christian Delfino Morales, Rildo Ramirez, Alfonso Leguizamon, and Mario Leguizamon during a police raid in Minga Guazu.

On April 19, a three-person tribunal in Villarrica, Guaira Department, acquitted police inspector Alberto Magno Ferreira of torturing farmer Miguel Angel Benitez in 2006. However, an appeals court reopened the case on October 31, and Ferreira remained under indictment.

There were no developments in the 2006 killings of Agustin Cristaldo and Alberto Escobar Silvero or in the 2006 killings of Josais Adan Valiente Ovelar and Luis Martinez by members of the civilian militia known as the National Commission for Citizen Security (CONASEG). On December 11, President Lugo disbanded CONASEG.

On October 16, a judge absolved former Colorado senator Victor Galeano Perrone of involvement in the 1999 assassination of then-vice president Luis Maria Argana and subsequent killing of seven student protesters by government agents. Galeano turned himself in on September 10 after spending nine years as a fugitive in Uruguay and Paraguay. On December 22, the Supreme Court cleared retired army commanding general (and 2008 presidential candidate) Lino Oviedo of involvement in Argana's assassination.

b. Disappearance.—There were no reports of politically motivated disappearances; however, there were updates in earlier cases.

On September 24, a tribunal sentenced former police officer Carmelo Ortiz Salinas to 30 years in prison for masterminding the 2005 kidnapping of Evelyn Kuo.

On December 2, Free Fatherland Party (PPL) members Aristides Vera Silguero, Roque Rodriguez Torales, Simeon Bordon Salinas, Basiliano Cardozo Jimenez, Agustin Acosta Gonzalez, and Gustavo Lezcano Espinola were extradited from Argentina to Paraguay to face charges for the kidnapping and killing of Cecilia Cubas. Their case remained pending at year's end.

On September 12, following the ransom payment of 1.2 billion guaranies (approximately \$237,000), kidnappers calling themselves the Paraguayan People's Army (EPP) released rancher Luis Alberto Lindstron after holding him for 44 days. Lindstron's brother, who paid the ransom, publicly alleged that EPP leader and former PPL member Manuel Cristaldo Mieres received the payment. On December 31, Mieres and two other EPP members reportedly attacked a military outpost in Tacuati (San Pedro), briefly took the military guard hostage, and burned down the outpost.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such treatment, and the Government generally respected these provisions in practice. However, there were reports that some government agents employed such treatment. The Paraguayan Human Rights Coordinator (CODEHUPY), comprising 37 nongovernmental organizations (NGOs) and civic organizations, and the local NGO Committee of Churches for Emergency Aid (CIPAE) reported several cases of police torture and other abuses designed to extract confessions or intimidate detainees.

On July 1, police in Horqueta, who reportedly entered the home of Domingo Lezcano during a raid on his property, beat and tortured him, his family, and several landless farmers (campesinos).

There were no new developments, and none were expected, in the April 2007 beatings of four marijuana growers and Blas Argana.

There were no new developments in the September 2007 alleged police torture of Juan Dolores Colman Espinola or the November 2007 beatings of brothers Ramon and Isidro Benitez.

During the year the Government made partial reparations to victims and their families in the Inter-American Court of Human Rights torture and abuse cases of Juvenile Reeducation Institute (Panchito Lopez) (2004), Agustin Goiburua and 26 others (2005), and Gerardo Vargas Areco (2006). On December 15, the Government publicly apologized to Vargas Areco's family, partially fulfilling its obligations.

On March 6, the Inter-American Commission of Human Rights allowed Cristina Aguayo Ortiz, et al. to submit their case to the Inter-American Court of Human Rights for consideration after concurring with the petitioners' claim that the Government committed human rights abuses when it rounded up and detained hundreds of Asuncion street children without due process in 2000 and 2001.

In November 2007 the Senate rescinded an indemnity the ombudsman had awarded to pro-Nazi activist Ramon Dardo Castelluccio, and on April 23, the Senate Committee on Human Rights opened an investigation into his alleged role in violence committed against Sonia Aquino, director of the NGO Coordinator for Victims of the Dictatorship. Aquino claimed that Dardo verbally threatened her and placed a hand grenade under her vehicle in December 2007.

On July 31, following several incidences of rape, sexual abuse, castration, and suspicious deaths at the Neuropsychiatric Hospital in Asuncion, the Inter-American Commission of Human Rights ruled that the Government must implement controls to monitor and prevent abuse. The Government had not implemented these controls by year's end.

On March 20, National Military Academy cadets Guillermo Benitez Adorno, Cesar Candia Britos, Francisco Sotelo Blanco, Leonardo Martinez Rotela, and Carlos Caniza allegedly raped a female cadet. Another female cadet, Leticia Atenas Quintana, videotaped the rape and posted it on the Internet. On October 23, a judge ordered the five male cadets incarcerated. On December 11, Quintana filed a complaint against Colonel Agustin Duarte Perez, alleging psychological torture after she was expelled from the Military Academy.

Prison and Detention Center Conditions.—Prison and detention center conditions generally did not meet international standards. In August the Senate Human Rights Committee reiterated the Senate's Special Committee on Penal Reform and Penitentiaries' 2006 finding that prisons remained in "deplorable" condition. The most serious problems included violence, mistreatment, overcrowding, inadequate staffing, deteriorating infrastructure, unsanitary living conditions, poor food safety standards, and inadequate medical and psychological care. The 20 penitentiaries and correctional centers held more than 6,000 inmates, 60 percent more than their

capacity of 3,800. Tacumbu Prison in Asuncion, designed to hold approximately 900 inmates, held an average of 3,000 prisoners; the penitentiary in Ciudad del Este, designed to hold about 300 inmates, held more than 650.

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. Inmate escapes were frequent, while others conducted illicit activities by bribing prison guards and officials and using cell phones to commit crimes. In August the administration banned inmates from carrying electronic devices and conducted two crackdowns before the year's end.

Living conditions at Tacumbu Prison and the Ciudad del Este Regional Penitentiary, both men's prisons, remained poor. Regional penitentiaries in the departments of Paraguari, Canindeyu, Concepcion, Itapua, Caaguazu, and Misiones held both men and women but in separate wings. The Senate's Special Committee on Penal Reform and Penitentiaries cited the Ministry of Justice and Labor (MJT) for failing to house prisoners by gender in separate facilities.

Although the ministry assigned minors convicted of juvenile crimes in Asuncion, Concepcion, and Encarnacion to youth detention centers, juvenile offenders elsewhere served their sentences in adult prisons. Living conditions in juvenile facilities were generally better than in adult prisons.

Prison officials frequently separated prisoners based on their ability to pay for better living conditions. Inmates could upgrade their accommodations to "private" rooms for a monthly fee of 20,000 to 150,000 guaranies (\$4 to \$30).

On June 22, inmates at La Esperanza Penitentiary in Asuncion seized prison officials and demanded nighttime conjugal visits and an end to mistreatment by guards. Prison officials agreed to investigate abuse claims and stop strip-searching visitors. On October 8, the MJT resumed authority over the penitentiary after two years of administration by a private firm.

On October 14, 30 inmates at Buen Pastor Women's Prison in Asuncion denounced guards for sexual assault and rioted. Officials agreed to replace male guards with female guards. After a second disturbance October 16, prison officials transferred 12 inmates to other penitentiaries.

There were no new developments in the investigation of the December 2007 alleged rape of female inmates by prison guards at San Juan Bautista Regional Center.

The Government permitted independent monitoring of prison conditions and granted the media, human rights groups, and diplomatic representatives limited access to prisons with prior authorization from the MJT. On October 22, the MJT signed an agreement with the International Committee of the Red Cross authorizing Red Cross specialists to assess prison conditions and provide training to prison staff.

d. Arbitrary Arrest or Detention.—The law prohibits arrest and detention without an arrest warrant signed by a judge. The law also stipulates that persons detained must appear before a judge within 24 hours to make a statement. The police may arrest without warrant persons apprehended in the act of committing a crime, and persons may be detained up to six hours by the Public Ministry. There were reports of arbitrary arrest and detention of persons without a warrant.

Role of the Police and Security Apparatus.—The National Police, under the authority of the Interior Ministry, preserves public order; protects the rights and safety of persons and entities and their property; prevents and investigates crimes; and implements orders given by the judiciary and public officials. The military, under the president's authority, guards the country's territorial integrity and defends lawfully constituted authorities. The Defense Ministry, also under the president's authority but excluded from the military's chain of command, handled some defense matters. The law authorizes the Anti-Narcotics Secretariat (SENAD) and the Anti-Terrorism Secretariat (SEPRINTE), both under the president's authority, to enforce the law and maintain order in matters related to narcotics trafficking and terrorism.

Civilian authorities generally maintained control over the security forces. The security forces did not effectively coordinate law enforcement efforts. Although the Government has mechanisms to investigate and punish security force abuses and corruption, there were reports that such cases often went unpunished.

The 22,500-member National Police force was poorly trained, inadequately funded, generally corrupt, and shielded by impunity. On November 24, Interior Minister Rafael Filizzola dismissed newly appointed Police Commissioner Federico Acuna and Deputy Commissioner Nestor Baez for insufficient progress in reducing corruption in the National Police. Minister Filizzola also authorized prosecutor raids on various police headquarters to prosecute endemic police corruption.

The new government, aware of the security forces' poor reputation, took steps beginning in August to control and punish human rights violations committed by po-

lice officers; in several instances, overt use of excessive force by police officers against civilians was rapidly condemned by the new government and met with quick action (See Section 1.a.). However, police officers often continued to act with impunity. Although the National Police trained officers in human rights, there were incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping.

On January 23, six individuals wearing police uniforms hijacked a public bus and robbed its passengers of 640 million guaranies (approximately \$127,000). On October 7, authorities arrested five police officers from the National Police Economic Crimes Investigations Department for stealing 15 million guaranies (approximately \$2,970) from Manuela Raquel Santacruz; department chief Wenceslao Recalde was also dismissed. However, the five officers were released on October 9 after police determined that Santacruz had outstanding arrest warrants for fraud. On December 3, police arrested police officer Nery Rupert Britos for leading a gang of youthful robbers.

There were continuing cases of corruption in the 12,000-member military. On January 17, prosecutors opened an investigation into allegations that the army illegally transferred construction materials to former defense minister Roberto Gonzalez Segovia for personal use and issued false documents to conceal the action.

Arrest and Detention.—The law provides that, after making an arrest, police have up to six hours to notify the prosecutor's office, at which point the prosecutor's office has up to 24 hours to notify a judge that it intends to prosecute the case.

The law provides detainees with the right to a prompt judicial determination regarding the legality of the detention, and authorities appeared to respect this right and to inform detainees promptly of the charges against them. The law permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurred in practice. The law stipulates that pretrial detention may range from six months to five years based on the nature of the crime; in reality, detention was arbitrarily lengthy, and some detainees were held beyond their maximum allowable detention.

On October 9, prison officials released Dionisio Escobar after 11 years of detention on charges of attempting to rob a furniture store. Although the old Procedural Code does not specify a maximum length of detainment, Escobar's time in detention nearly equaled the maximum sentence of 12 years he would have served if he had been convicted.

The law allows judges to utilize "substitute measures," such as house arrest and bail for felony cases but prohibits their use in criminal cases. In nonfelony cases, judges frequently set relatively high bail, and many poor defendants were unable to post bond and thus waited in prison for trial. At the same time, minimal bonds, if any, were routinely and blatantly provided to those with political or economic connections.

The law grants accused criminals the right to counsel, and the Government provides representation to poor defendants. The Government permitted defendants to hire attorneys at their own expense. Detainees were allowed access to family members.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; in practice, however, political interference routinely and seriously compromised that independence. The judicial system provides for separate military, criminal, civil, and commercial courts. Courts remained inefficient and routinely subject to corruption. Politicians and interested parties routinely attempted to influence investigations and pressured judges and prosecutors. Although the judiciary was not formally allied with any political group, approximately 62 percent of judges were members of the Colorado Party.

The nine-member Supreme Court appoints lower-court judges and magistrates based on slates of three candidates submitted by the eight-member Magistrate's Council; the Council also nominates for Senate approval a slate of three candidates for Supreme Court vacancies. Both selection processes were highly politicized.

There are five types of appellate tribunals: civil and commercial, criminal, labor, administrative, and juvenile. Lower courts and justices of the peace handle civil and commercial, criminal, labor, and juvenile cases. In many rural communities, one justice of the peace handles all judicial matters. The military has its own judicial system, and the Supreme Court of Military Justice oversees military cases. The Superior Electoral Court (TSJE) oversees the electoral process and settles election disputes. The Supreme Court has final appellate jurisdiction over all courts and constitutional questions.

Trial Procedures.—The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. On June 4, the Center

for Judicial Studies released a study indicating that only 41.7 percent of cases initiated in 2007 were resolved within one year. Wealthy or well-connected defendants received impunity by filing often-specious motions that slowed legal progress until their cases reached the statute of limitations.

The law provides for the use of three-judge tribunals in lieu of juries to rule on procedure, determine guilt or innocence, and decide sentences. A majority opinion is required to convict. One judge presides over misdemeanor cases when the maximum punishment does not exceed two years in prison and in civil cases.

All trials are open to the public. The law requires prosecutors to indict accused persons within 180 days of arrest. The 343 prosecutors and 98 public defenders on staff at the Public Ministry lacked the resources to perform their jobs adequately. Defendants enjoy a presumption of innocence and a right of appeal, and defendants and prosecutors may present witnesses' written testimony and other evidence. Defendants and their attorneys have the right of access to state evidence relevant to their cases.

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

Civil Judicial Procedures and Remedies.—Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, although these were rarely granted to citizens. The Government experienced problems enforcing court orders.

Property Restitution.—The Government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. During the year the Government partially complied with the Inter-American Court of Human Rights' 2005 ruling in favor of the Yakye Axa indigenous community with full monetary restitution; however, the Government did not deed land to the community and at year's end was considering a proposal to obtain land for them. The Government also partially complied with the Inter-American Court of Human Rights' 2006 ruling in favor of the Sawhoyamaya indigenous community by providing monetary restitution but did not award the community land.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits police entry into private homes except to prevent a crime in progress or when the police possess a judicial warrant. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists reported that officials abused their authority by entering homes and businesses without warrants. There were credible allegations that some government officials occasionally spied on individuals and monitored communications for partisan or personal reasons.

An investigation of Colonel Heriberto Galeano, former commander of the Presidential Escort Regiment, for illegally wiretapping telephones from his home remained open at year's end. Separately, on December 5, a three-judge tribunal ignored substantial evidence and absolved Galeano, of illicit enrichment, a decision that prosecutors appealed on December 30.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals criticized the Government publicly and privately, generally without reprisal or impediment. During political speeches throughout the year then-president Duarte and senior members of the Colorado Party repeatedly criticized the press, accusing the media of partisanship and inaccurate reporting.

On December 19, the Government launched an official newspaper, Paraguay for All, with an initial run of 15,000 copies touting the Lugo administration's accomplishments. The Government stated that it would not use the newspaper as a propaganda tool but only as a source of public information.

The independent media were active and expressed a wide variety of views with few legal restrictions. The media frequently criticized the Government and freely discussed opposition viewpoints without censorship. Many media outlets reflected personal business or political interests, and ethical and professional standards were low.

Political officials often retaliated against media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. On April 30, a judge absolved ABC Color managing director Aldo Zuccolillo and reporter Carlos Davalos Caceres of defamation in a suit filed by former controller general auditors Atilio Perazza and Juan Antonio Cristaldo. The

suit concerned a 1999 ABC Color article accusing public works and communications ministry officials of embezzlement. On February 8, a tribunal acquitted Zuccolillo of defamation charges brought by former deputy Benjamin Marecos Dure. At year's end Zuccolillo faced at least 20 additional criminal charges.

Government agents harassed and intimidated journalists. On several occasions, politicians and prosecutors publicly threatened journalists who revealed embarrassing information about them, typically related to corruption. Political figures used police or private security agents to threaten or intimidate journalists.

On April 11, the National Communications Commission (CONATEL) shut down the Community Progress FM radio station in Curuguaty, Canindeyu Department, for operating without a radio license. The station's president, Brigido Gonzalez, claimed that, in the period leading to the national election, CONATEL shut down his station after its broadcasts criticized then Colorado deputy Julio Colman but did not shut down two other unlicensed radio stations in Curuguaty that supported Colman and his political allies.

On June 23, police reportedly beat two La Nacion newspaper journalists with batons during a protest in front of the Social Action Secretariat in Asuncion. In June FM del Sur de Encarnacion correspondent Miguel Angel Masi was assaulted four times by unknown assailants and received death threats by phone. Journalists from Ultima Hora, Radio 1000, and Mega FM radio station received death threats during the year.

On August 16, the Government's security forces declined to intervene when Venezuelan President Hugo Chavez' security agents physically assaulted Radio Nanduti and ABC Color journalists during Chavez' visit to San Pedro Department.

On January 22, prosecutors charged civilians Nelson Gustavo and Fabio Vera Sanabria with the August 2007 killing of Chilean radio journalist Alberto Tito Palma. There were no new developments in the March 2007 attack by log traffickers and the September 2007 threat by a local councilman against journalist Alberto Nunez in Capiibary, San Pedro Department. There were no developments in the 2006 killing of Colorado mayoral candidate and journalist Julio Benitez Ruiz Diaz.

Internet Freedom.—There were no government restrictions on basic access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that there were nine Internet users per 100 inhabitants in 2007.

There were reports that the Government censored Web sites. On April 12, the Beloved Fatherland Party accused the government-owned Paraguay Communications Company (COPACO) of blocking several political Web sites prior to the April 20 national election. Additionally, COPACO used its monopoly status to block access to Voice over Internet Protocol.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government generally protected demonstrators from indiscriminate violence. The law restricts demonstrations to certain times and places and specifically prohibits meetings or demonstrations in front of specified government buildings. Although the law prohibits closing roads as a form of protest, demonstrators did so on many occasions during the year. Police sometimes forcibly removed protesters.

On January 18, hundreds of former vice president Luis Castiglioni's supporters blocked a major highway after transportation officials selectively stopped their buses and conducted impromptu road safety and security checks. The supporters had been traveling to Asuncion to protest disputed Colorado Party primary results.

During the year campesino movements frequently protested in the streets of Asuncion, blocked major highways, and occupied private ranches to advocate for land reform. These protests occasionally turned violent. The major umbrella organizations comprising many campesino movements included Sin Techos (Without Roofs), Sin Tierras (Without Land), the National Coordinating Board of Campesino Organizations (MCNOC), and the National Federation of Campesinos (FNC) representing 35 regional campesino movements.

In some cases police used excessive force to disrupt campesino protests. On April 14, police clashed with 2,000 Sin Techos protesters in Asuncion, and 15 protesters were injured. On October 3, campesino leader Bienvenido Melgarejo was killed and several campesinos were injured during a clash with police in Colonia, Alto Parana Department; campesino leader Jorge Arevalos claimed that police killed Melgarejo. On November 5, police injured 48 members of MCNOC and the Social and Popular

Front (FSP) during a protest outside the Public Ministry in Asuncion. On November 25, police reportedly injured six members of the country's public workers union during a protest. On December 5, police clashed with Sin Techos protesters in Coronel Oviedo; two Sin Techos protesters were injured, and a bystander was killed.

Freedom of Association.—The constitution provides for the right of citizens to free association, and the Government generally respected it in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected religious freedom in practice. However, it occasionally failed to enforce religious freedom laws when abuses occurred.

On July 30, the Vatican issued a decree announcing that Pope Benedict XVI had granted then-president-elect Lugo a special waiver dispensing him from his clerical duties.

Jehovah's Witnesses who refused to give permission for blood transfusions in 2007 reported that authorities challenged what the group considered a "right to bodily self-determination." No new developments were reported in the September 2007 case of Jose Ortega and Asuncion Ortega Gaona, arrested for refusing to allow doctors to give their minor daughter blood transfusions.

Societal Abuses and Discrimination.—There were occasional reports of violence, harassment, and discrimination against members of religious groups.

During the year's election campaign, then-president Duarte made several critical remarks about the Catholic clergy in an attempt to discredit his handpicked successor's opponent, Fernando Lugo, a former Catholic bishop.

The Jewish community numbered approximately 1,000. Anti-Semitic and pro-Nazi messages and symbols, including graffiti, appeared sporadically. The Government investigated but did not identify suspects.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government's National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. CIPAE acted as the UN's local legal representative. Authorities frequently prohibited those accused of crimes from leaving the country and, on occasion, barred those convicted of crimes from traveling abroad after completing their sentences. The law expressly prohibits forced exile, and the Government did not use it.

On May 21, three police officers entered the Venezuelan Embassy in Asuncion without permission and arrested Paraguayan police officer Anibal Insauralde, who had sought political asylum in Venezuela.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol and provided it to approximately 15 persons during the year, including four Cubans. The Government permitted those refused asylum or refugee status to obtain legal permanent residency.

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

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

Elections and Political Participation.—In the April 20 multiparty general elections, Fernando Lugo of the Patriotic Alliance for Change won the presidency and ended 61 years of uninterrupted Colorado Party rule. Observers from the Organization of American States and NGO International Foundation for Electoral Systems characterized the elections as generally free and fair. There were no reports of systematic nationwide irregularities; however, there were reports of minor irregularities at several polling stations.

Although political parties operated without restriction or outside interference, the Government must approve their participation in elections. The Government prohibits unregistered parties, including those with military wings, and independent candidates from participating in national and departmental elections; however, independent candidates may participate in municipal elections.

Although the Government prohibits civil servants from engaging in political campaigns and using public resources to benefit political parties, many did so during the year's election campaign. Public employees were often pressured by their supervisors to campaign on behalf of the Colorado Party, which routinely used public resources on behalf of the party and its candidates.

On January 8, Colorado senator Juan Carlos Galaverna acknowledged that he committed fraud during the 1992 Colorado Party primary to help Carlos Wasmosy win the primary. Congress censured Galaverna and suspended him for 60 days; Galaverna returned to the Senate on July 21. Prosecutors opened an investigation into the case, which remained pending at year's end.

On June 23, then-president and senator-elect Duarte tendered his resignation from the presidency to join the Senate on July 1. The Senate refused his resignation, and Duarte remained president until the end of his term on August 15. On August 26, Senate President Enrique Gonzalez Quintana swore Duarte in as a full senator; on the same day, the Senate met and overturned Gonzalez's decision, named Colorado Jorge Cespedes senator in Duarte's place, and appointed Duarte as a nonvoting senator emeritus, in keeping with the 1992 constitution.

On August 31, army general Maximo Diaz claimed that then-president Duarte, retired general Lino Oviedo, Senate President Gonzalez, attorney general Ruben Candia Amarilla, and TSJE president Juan Manuel Morales met to discuss a coup d'etat. Prosecutors opened an investigation, which remained pending at year's end.

There were no legal impediments to women's participation in government and politics. There were 16 women in Congress (six of 45 senators and 10 of 80 national deputies). One woman served on the Supreme Court, one as a departmental governor, and three served as members of the Mercosur Parliament. One woman headed a cabinet-level ministry, and five women held ministerial rank. Colorado candidate Blanca Ovelar was the first female presidential candidate of a major political party. The Electoral Code requires that at least 20 percent of each party's candidates in their internal primaries be women.

Although there were no legal impediments to participation by minorities or indigenous groups in government and politics, no indigenous persons were elected to government during the year. On August 15, President Lugo named Ache indigenous chief Margarita Mbywangy director of the National Institute of the Indigenous (INDI) but dismissed her on December 18 over accusations that she favored the Ache over other groups. Members of some indigenous communities protested limits on their political and human rights.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

The Public Ministry, under the authority of the attorney general, commissioned several units of attorneys to combat corruption. The Public Ministry worked with the Ministry of Industry and Commerce's Money Laundering Secretariat to investigate and prosecute corruption cases.

Elected officials are required to disclose their finances prior to running for office; however, most did not, engaging in corrupt practices with impunity and using political immunity to avoid prosecution.

On April 10, a tribunal sentenced Nicolas Donato Dagogliano, former director general of the National Service of Professional Promotion (SNPP), and former SNPP economic head Elias Fernandez Defelice to six years' and five years' imprisonment, respectively, for embezzling 2.4 billion guaranies (approximately \$475,000) from the agency from 2001 to 2003.

On June 4, a tribunal sentenced former municipal personnel retirement and pension finance administrator Edgar Gomez Zaputovich and five subofficials to three and a half years in prison for embezzling 600 million guaranies (approximately \$118,000).

On July 31, police apprehended former labor and justice minister Silvio Ferreira, who had been a fugitive since 2003. Prosecutors indicted Ferreira, who served under then-president Luis Gonzalez Macchi during 2000 to 2002, on multiple counts of embezzlement, including six billion guaranies (approximately \$1.2 million) in funds from the Republic of China (Taiwan) and 480 million guaranies (approximately

\$95,000) in ministry funds earmarked for prison food and materials. The case remained pending at year's end.

On September 4, police detained 13 officials from the National Administration of Navigation and Ports for alleged embezzlement of approximately five billion guaranies (one million dollars). The case remained pending at year's end.

On October 3, prosecutors announced they had opened an investigation into allegations of illicit enrichment by former president Nicanor Duarte Frutos and his wife, Gloria Penayo de Duarte. Prosecutors based their investigation on findings released October 1 by the Controller General that indicated the Duartes possessed known cash reserves seven times higher than their income. The Children and Adolescent's Secretariat (SNNA) demanded September 15 that the Paraguayan Network for Human Development (REPADEH), an NGO controlled by Penayo de Duarte, transfer to the Government property purchased by REPADEH with funds provided by the Government of the Republic of China (Taiwan).

On December 11, prosecutors indicted Colorado senator Victor Bernal Garay for misusing 340 million guaranies (\$67,000) in Itaipu Dam funds while serving as director of the Itaipu Binational Entity. Bernal was also under investigation for misusing Itaipu Dam funds designated for the NGO Fundacion Tesai, diverting funds to Sistema Siete, an advertising agency controlled by then-president Duarte that worked on the Colorado Party's election campaign, and enriching himself and his family. Bernal continued to enjoy political immunity while in office.

There were no new developments in the May 2007 case of videotaped extortion by former foreign minister Ruben Melgarejo Lanzoni and prosecutor Juan Claudio Gaona; the June 2007 case of misuse of public funds by deputy Victor Bogado, who continued to enjoy political immunity while in office; the 2007 bribery case of environment ministry official Jorge Colonel; or former president Gonzalez Macchi's appeal of his 2006 conviction and six-year prison sentence for embezzlement. These and a number of similar cases involving high-level corruption were paralyzed by political interference in the judicial system.

Although the law provides for public access to government information, citizens and noncitizens, including foreign media, had limited access to government information. Insufficient infrastructure and efforts to hide corruption hindered access to information; however, the Government improved transparency by publishing information publicly via the Internet.

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

Over 50 domestic and international human rights groups, including the International Organization for Migration (IOM), the International Labor Organization (ILO), and the UN Children's Fund (UNICEF), operated without government restriction, investigating and publishing their findings on human rights cases. Major local NGO umbrella organizations representing many local human rights NGOs operated independently. These included the NGO Association of Paraguay (Pojoaju), CODEHUPY, the Coordinator for the Self-Determination of Indigenous People (CAPI), the Human Rights Coordinator for Infants and Adolescents (CDIA), and the Coordinator for Paraguayan Women (CMP).

Government officials cooperated with domestic NGOs and met with domestic NGO monitors but often did not take action in response to their reports or recommendations. The Government generally did not restrict domestic NGO operations or use tactics to suppress criticism by domestic NGOs. The Government generally cooperated with international human rights groups, humanitarian NGOs, and international governmental organizations and permitted visits by representatives of these organizations.

Ombudsman Manuel Paez Monges was the country's primary human rights advocate. The ombudsman employed approximately 160 lawyers and support personnel, including 70 who worked in municipal offices outside Asuncion. The ombudsman's offices generally operated without government interference; however, budgetary constraints hindered their operations. Congressional interference limited the ombudsman's ability to handle cases involving government officials.

The Ministry of Justice and Labor's director general of human rights chaired the National Commission on Human Rights. The office forwarded information concerning human rights abuses to the Public Ministry for action. The Foreign Ministry's Human Rights Section organized an interministerial roundtable on human rights that met periodically and served as a forum for human rights officials from the Government and NGOs.

The law mandates that the Truth and Justice Commission (CVJ), established by Congress and appointed by the president, document human rights abuses that occurred during the 1954–89 Stroessner regime. The ombudsman's office worked close-

ly with the CVJ to process abuse cases. On August 28, the CVJ published its 1,000-page final report. The CVJ concluded that as many as 128,077 persons, almost 1 percent of the total population, were potential victims of Stroessner-era abuses, including 20,090 directly affected by human rights abuses, 19,682 political prisoners, 18,772 torture victims, 3,470 exiles, 377 disappearances, and 59 extrajudicial executions. The CVJ urged the Government to investigate an estimated 2,800 individuals who allegedly committed abuses while serving as officials under Stroessner. The CVJ based its report on 9,923 testimonies from 2,059 victims of Stroessner-era abuses and their relatives and on documents found in the "Terror Archive."

The law requires that the ombudsman investigate and work with the prosecutor general, who reports directly to the president, to seek monetary compensation in these cases. Since his appointment in 2001, the ombudsman ruled that more than 1,200 victims who filed petitions were entitled to reparations; and since 2004, 1,886 victims or their family members received payments totaling 147.2 billion guaranies (\$29.1 million).

On October 30, Misiones Department governor Victor Pereira and human rights activist Martin Almada announced they had uncovered in the basement of a former interior ministry building identification cards, photos, and personal information from political prisoners held captive and tortured during the Stroessner regime.

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

While the law prohibits discrimination based on race, gender, disability, language, or social status, certain groups, such as indigenous persons, faced discrimination in practice.

Women.—The law criminalizes rape, including spousal rape, and provides penalties of up to 10 years in prison for rape or forcible sexual assault. If the victim is a minor under the age of 18, the sentences range from three to 15 years. According to the Public Ministry, rape was a significant problem. The Government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported, and the police were generally reluctant to act on rape reports.

Although the law criminalizes domestic violence, including spousal abuse, and stipulates a penalty of two years in prison or a fine for those who are convicted, it requires that the abuse be habitual before it is considered criminal. Those convicted were typically fined. Despite increased reports of domestic violence, complaints were often withdrawn soon after filing due to spousal reconciliation or family pressure. In some cases the courts mediated in domestic violence cases. Domestic violence was very common, and thousands of women were treated annually for injuries sustained in domestic altercations. Through September the Secretariat of Women's Affairs (SMPR) registered 3,871 domestic violence complaints by women who contacted the SMPR (1,387), National Police (628), Center for Medical Emergencies (38), and NGO Kuna Aty (1,818). Also through April, the Public Ministry investigated cases of domestic violence filed by 88 women and 15 men.

The SMPR operated a shelter for women who are victims of trafficking or domestic violence in Asuncion. The SMPR coordinated victim assistance efforts with the National Police, health care units, the Public Ministry, and women's NGOs. NGOs provided health and psychological assistance, including shelter, to victims. The SMPR also provided victims assistance courses for police, health care workers, and prosecutors. The SMPR and NGOs Kuna Aty and Women's November 25th Collective offered services to abused women in Asuncion. Kuna Roga offered services to abused women in Encarnacion.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution is legal for persons over the age of 18, and exploitation and trafficking of women, particularly underage prostitutes, remained serious problems.

The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine for those who are convicted; however, sexual harassment remained a problem for many women. Prosecutors found sexual harassment and abuse claims difficult to prove, and most complaints were settled privately without involving prosecutors.

Although women generally enjoyed the same legal status and rights as men, gender-related economic discrimination was widespread. Women often were paid significantly less than men for the same work and experienced more difficulties finding work. According to the General Directorate of Statistics, Surveys, and Censuses, the November 2007 unemployment rate for women in the formal sector was 7.5 percent, compared with 5.6 percent for men. Women generally were employed as domestic workers, secretaries, and customer service representatives. The SMPR sponsored

programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities.

Children.—The law protects certain children's rights and stipulates that parents and the state should care for, feed, educate, and support children.

The failure to register births resulted in some discrimination, including the denial of public services. The SNNA estimated that more than 600,000 children remained unregistered.

Child abuse and neglect were serious problems. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) assisted abused and neglected children and educated the public on preventing abuse. The SNNA and children's NGOs also organized programs to combat child abuse. The Ministry of Health and Social Welfare operated three homes for abused children and orphans in Asuncion and placed some abused children in foster homes.

On December 29, the SNNA opened a shelter for street children in Asuncion. The NGO Children's and Adolescents' Care and Assistance Center (CEAPRA) managed a shelter in Ciudad del Este partially supported by the SNNA, and local Catholic charities operated several children's homes and orphanages in several locations, including Asuncion and Encarnacion. The NGO Integral Adolescent Attention Service (SAIA) assisted abused children in Villarrica, Guaira Department. In many cities the Municipal Council for Children's Rights (CODENI) assisted abused and neglected children.

Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children were forced to work as prostitutes or domestic servants for survival and were sexually abused.

Trafficking in Persons.—Although the law prohibits most forms of trafficking in persons, there were reports that persons were trafficked to, from, through and within the country.

Anecdotal evidence suggests that each year several thousand women, children, adolescents (mostly girls), and transgendered prostitutes were trafficked domestically and internationally from the country. An estimated 80 percent of the victims were young women and adolescents. CEAPRA, which operated a children's shelter in Ciudad del Este, estimated in February that up to 20 victims were trafficked each day to Brazil and Argentina via the Tri-Border Area (TBA). Most victims were trafficked to Argentina (52 percent) and Spain (25 percent); smaller numbers of victims went to Brazil, Italy, and Bolivia. Domestically, most victims were trafficked to Asuncion, Ciudad del Este, and Encarnacion.

Most trafficking exploited victims for the purposes of prostitution, domestic servitude, and manual labor. Most victims lived in the rural eastern departments of Alto Parana, Canindeyu, Caaguazu, and Itapua. Studies showed that many victims were working as street vendors when traffickers targeted them and that 70 percent of victims had drug addictions.

The principal traffickers worked in organized criminal syndicates based in Argentina and Brazil with local contacts operating nationwide. Women, who were paid to find victims, made initial contact on behalf of traffickers and offered false promises of employment. Victims who accepted their offers were referred to handlers who facilitated travel and lodging and issued false travel documents. Traffickers then transported victims domestically or internationally through illegal or unmonitored border crossing points.

On July 16, the Government adopted a new trafficking in persons statute. The statute aligns the law with several ILO antitrafficking conventions and punishes convicted international traffickers with up to 12 years in prison. It strengthens penalties for those who traffic minors and use excessive violence against their victims. The new trafficking in persons statute does not specifically address domestic human trafficking, although other laws, including the Children and Adolescents Law, the Domestic Violence Law, and a pandering statute, can be used to prosecute domestic traffickers.

The Public Ministry, with SMPR assistance, opened 11 trafficking cases this year on behalf of 19 women, including six minors. During the year, prosecutors indicted nine suspected traffickers, and four traffickers were convicted and sentenced to up to six years in prison. The Government also assisted with international investigations and extradited citizens who were accused of trafficking in other countries.

In March a 15-year-old trafficking victim who escaped from a brothel in Buenos Aires fled to Ciudad del Este, where she filed a complaint with the SNNA. Based on her complaint, Argentine and Paraguayan authorities rescued 25 girls from the brothel. Charges remained pending. During the year prosecutors opened an investigation into a syndicate that trafficked dozens of adolescent girls to Chile.

There were no developments in the 2006 trafficking cases of Antonio Cortes Villena, Ramiro Noquer Garcia, Juana Rocio Adorno Silguero, and Jorge Kraufer Gimenez, or Spaniards Claudia Lorena Martinez and Andres Eligio Ponce for trafficking children to Spain.

The Public Ministry investigates and prosecutes traffickers. On October 14, the ministry established an antitrafficking unit with three prosecutors dedicated to fighting human trafficking. The ministry worked with the National Police, Foreign Ministry, SMPR, SNNA, and Secretariat of Development for the Repatriated and Conational Refugees (SEDERREC). The Interior Ministry, which oversees the National Police, has an antitrafficking unit that assists with investigations and arrests. The Government coordinated antitrafficking efforts through the Inter-Institutional Roundtable for the Prevention and Combat of Trafficking in Persons. The roundtable includes representatives from many government agencies, IOM, ILO, NGOs, and foreign missions. The TBA Anti-Trafficking in Persons Network assisted national antitrafficking agencies and NGOs to coordinate efforts in the TBA with their counterparts in Argentina and Brazil.

There were reports that public officials, including political figures, border guards, police, prosecutors, judges, and others, participated in, facilitated, or condoned human trafficking. Officials reportedly accepted bribes directly or indirectly to facilitate trafficking in persons. However, prosecutors and the police did not investigate or prosecute public officials allegedly involved in trafficking, nor did they remove them, because they lacked the resources and political will. Inadequate financial and technical resources constrained the Government's ability to combat trafficking.

The SEDERREC repatriated trafficking victims to Paraguay and provided them with limited legal, medical, and psychological assistance. The SEDERREC had 60 pending cases of individuals awaiting repatriation. The SEDERREC, SMPR, and SNNA help victims return to their families; the SNNA placed some child and adolescent victims in foster homes and referred others to shelters or foster homes and women to the new women's shelter for trafficking victims. The Government did not follow up with victims once they were repatriated.

The Government encouraged victims to file complaints against traffickers and assist in the investigation and prosecution of traffickers. However, many victims avoided the legal process for fear of potential retaliation by traffickers or social stigma.

The Government's antitrafficking Interinstitutional Roundtable frequently conducted antitrafficking meetings and seminars in Greater Asuncion, Cacupe, and Ciudad del Este. The Government also worked with international organizations such as the IOM, ILO, and UNICEF to publish reports on trafficking and labor abuses.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law does not mandate accessibility for persons with disabilities, and most of the country's buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Health and Social Welfare noted that half of all children with disabilities did not attend school because public buses could not accommodate them.

Hygienic conditions for the more than 250 residents at the Neuropsychiatric Hospital in Asuncion, the country's only health care center for persons with disabilities, improved since 2005, when the Government agreed to restructure the country's mental health system. However, the hospital needed to enhance its security and accountability systems (See Section 1.c.).

Indigenous People.—The law provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country. However, the law protecting the property interests of indigenous people was not respected in practice, and indigenous persons faced systemic discrimination.

A June census reported an indigenous population of approximately 108,000. The census estimated that 39 percent of indigenous people over age 15 were illiterate, approximately 48 percent were unemployed, and 88 percent lacked health insurance.

The Government did not effectively protect indigenous civil and political rights. Discrimination and lack of access to education, health care, shelter, and sufficient land hindered indigenous groups' ability to progress economically and maintain their cultural identity. The INDI, the Public Ministry, and the ombudsman's office are responsible for protecting and promoting indigenous rights. However, INDI fre-

quently lacked funding to purchase land on behalf of the indigenous and required indigenous persons to register for land at its office in Asuncion. Indigenous workers engaged as laborers on ranches earned low wages, worked long hours, were paid infrequently or not at all, and lacked benefits. The Public Ministry and ombudsman rarely investigated or prosecuted discrimination against indigenous people.

Human rights NGOs, such as CAPI and the Center for International Law and Justice, filed one case on behalf of indigenous groups with the Inter-American Commission of Human Rights. On July 24, the Inter-American Commission of Human Rights referred the case submitted by the Kelyenmagategma indigenous community to the court (See Section 1.e.).

The law authorizes indigenous people to determine how to use their land, leading many of them to transfer or rent their land to the nonindigenous persons. Some nonindigenous persons illegally harvested fish or deforested indigenous lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands. On May 21, leaders of the Ava Guarani indigenous group filed a complaint with prosecutors after nonindigenous farmers occupied their land near Itakyry, Alto Parana Department.

Other Societal Abuses and Discrimination.—There was societal discrimination based on sexual orientation. The Public Ministry is responsible for investigating discrimination cases; however, government agents condoned such discrimination. On January 14, a judge jailed Jesus Alejandro Martinez and Blanca Estigarribia after their wedding on January 13 when an unknown individual claimed the couple entered into a same-sex marriage. On January 16, the judge released the couple after a doctor determined that Martinez was a hermaphrodite.

There were reports of killings of transgendered persons. On July 1, an unknown assailant killed 17-year-old “Lupita” and attacked “Laura,” who witnessed the killing. On July 3, unknown individuals shot “Gaby.” These cases remained pending at year’s end.

CODEHUPY noted that individuals with HIV/AIDS faced discrimination in health care, education, and employment, as well as social intimidation.

Section 6. Worker Rights

a. The Right of Association.—The law allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions. The law allows unions to conduct legitimate activities without government interference and contains provisions that protect fundamental worker rights. Although the Government did not always enforce these provisions, workers exercised these rights in practice. Approximately 160,000 (10 percent) of workers were members of over 350 labor unions affiliated with five major labor umbrella organizations. Most workers, including farmers, ranchers, and informal sector employees, could not join a labor union. Many of these workers were members of campesino movements.

There are no restrictions on the right to form or dissolve a union. All unions must register with the MJT. Although the official registration process can take more than a year, the MJT typically issued provisional registrations within weeks of application to allow new labor unions to operate.

The law provides for the right to strike, bans binding arbitration, and prohibits retribution against union organizers and strikers. However, the Government failed to prevent retaliation by employers who took action against strikers and union leaders. The courts provided due process through mechanisms such as voluntary arbitration.

b. The Right to Organize and Bargain Collectively.—The law allows collective bargaining, and this provision generally was respected in practice. The Government did not place restrictions on collective bargaining and did not require approval for collective agreements to be valid. According to the MJT, there were approximately 30 collective bargaining agreements in place, covering approximately 10 percent of private sector employees and 60 percent of public sector employees.

Although the law prohibits antiunion discrimination, discrimination occurred in practice. Some union organizers experienced harassment and were fired for union activities. Some workers allegedly chose not to protest due to fear of reprisal or anticipation of government inaction.

There are no export processing zones. Factories (maquiladoras) that assemble imported parts for reexport to Mercosur are subject to all labor laws.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (See Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, but the Government did not effec-

tively enforce these laws. Child labor was a problem, particularly in the domestic service, brick and lime manufacturing, and agricultural sectors (including cotton, sugar cane, corn, soy, sesame, wheat, mandioca, and stevia production).

The law prohibits work by children under age 12. Children 12 to 14 years of age may work with parental authorization up to four hours per day in nonindustrial, nonhazardous working conditions. The law permits minors between 15 and 18 years of age to work with parental authorization up to six hours per day in nonhazardous working conditions. An August 2007 ILO study reported that 970,000 (53 percent) of children between the ages of five and 17 worked more than one hour per day, and 862,000 worked at least 14 hours per week, primarily in domestic servitude, factories, or in agriculture. The same study estimated that 60,300 children worked as unpaid domestic servants (*criadas*). More girls than boys were involved in exploitative child labor until the age of 12; after age 12, more boys were involved.

In addition to prostitution and domestic servitude, the worst forms of child labor occurred where malnourished, abused, or neglected children worked in unhealthy conditions selling goods or services on the street, working in factories, or harvesting crops. Slavery and similar practices occurred, particularly in prostitution and domestic servitude. Parents and guardians reportedly sold their children for the purpose of forced labor, and children were used, procured, and offered to third parties for illicit activities. Many children also performed hazardous work.

The MJT is responsible for enforcing child labor laws, and the Public Ministry prosecuted violators. Several government agencies worked to eliminate exploitative child labor by increasing awareness, improving legal protections and public policy, and implementing monitoring systems; however, resource constraints limited the effectiveness of these efforts.

The Secretariat for Social Action (SAS) administered the programs Programa Abrazo (Hug Program) and Tekopora (Healthy Life) that paid parents of street children and parents in some rural areas a monthly stipend to send their children to school. On June 30, the Ministry of Education and Culture (MEC) launched Vision 2020, a program designed to improve children's access to education. The MEC also adopted the ILO's "Scream" child labor intervention campaign to train and assist educators in identifying child laborers and protecting them from exploitation. The Government also participated in several regional projects to eliminate exploitative child labor.

e. Acceptable Conditions of Work.—The mandatory national minimum wage, established by the MJT, was approximately 1.34 million guaranties (\$265) per month, sufficient to maintain a minimally adequate standard of living for a worker and family. The minimum salary is adjusted by presidential decree whenever annual inflation exceeds 10 percent; the increase is determined in an opaque manner. However, the ministry did not enforce the minimum wage and estimated that 50 percent of government workers and 48 percent of private-sector workers earned less than the minimum wage.

The law provides for a standard legal workweek of 48 hours (42 hours for night work), with one day of rest. The law also allows an annual bonus of one month's salary and a minimum of 12 and a maximum of 30 vacation days per year, depending on years of service. The law requires overtime payment for hours in excess of the standard; however, many employers violated these provisions. There are no prohibitions or exceptions on excessive compulsory overtime.

The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. The Government did not allocate sufficient resources to enable the MJT and the Ministry of Health to enforce these provisions effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, but authorities did not effectively enforce this right.

PERU

Peru is a multiparty republic with a population estimated at 28.2 million. In 2006 Alan Garcia of the Popular Revolutionary Party Alliance (APRA) won the presidency in elections that were generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The following human rights problems were reported: alleged unlawful killings by government forces and disappearance of persons in an area under military control; abuse of detainees and inmates by police and prison security forces; harsh prison conditions; lengthy pretrial detention and inordinate trial delays; attacks on the media

by local authorities; corruption; harassment of some civil society groups; violence and discrimination against women; violence against children, including sexual abuse; trafficking in persons; discrimination against indigenous communities, ethnic minorities, and gay and lesbian persons; failure to apply or enforce labor laws; and child labor in the informal sector.

The terrorist organization the Shining Path (Sendero Luminoso), linked to narcotics trafficking, was responsible for killings and other human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, on September 14, during an antiterrorist operation in the Valle de Apurimac y Ene region (VRAE) (special emergency zone), according to credible sources, security forces reportedly killed Jesus Felix Canchanya Limache, Maximiliano Pichardo, Fernandez Alejandro Pichardo Fernandez, and Rosa Chavez Sihuinchu. On October 3, officials from the Public Ministry, ombudsman, police, and armed forces found the bodies of Canchanya Limache, Maximiliano and Alejandro Pichardo Fernandez, and Chavez Sihuinchu. By year's end the whereabouts of minors Moises Pichardo Pariona and Rosa Linda Pichardo Chavez, who also disappeared during the Government operation, remained unknown. The Government stated that it had not committed any human rights violations in the VRAE and that the military was operating there to eradicate narcoterrorism. On October 22, the Office of the Human Rights Ombudsman requested that a congressional commission investigate military actions in the VRAE. The First Penal Prosecutor of Ayacucho began a preliminary investigation that continued at year's end.

On April 10, Hugo Martinez Mamani of the Office of the Huamanga Provincial Prosecutor filed a criminal complaint alleging homicide against police officer Carlos Alberto Rodriguez Huamani. During the investigation, Rodriguez Huamani acknowledged firing at Emiliano Garcia Mendoza and Ruben Pariona Camposano, who participated in a February 19 agrarian strike in Ayacucho. The investigation continued at year's end.

On April 16, a court sentenced Juan Hurtado Vasquez to 27 years' imprisonment and Nazario Coronel Ramirez to 19 years' imprisonment for their roles in the March 2007 killing of journalist Miguel Perez Julca. The court also ordered Hurtado Vasquez and Coronel Ramirez to pay 35,000 soles (\$12,500) in restitution to the victims' families.

There were no developments, and none were expected, regarding the September 2007 Public Ministry investigation of 10 police officers for the death of one inmate and the beating of another at a police station in Jesus Maria, the 2006 security force killings of Alberto Saravia and Peter Vasquez Chavez, and the January 2007 penal court proceedings against four military officers in relation to the 2004 torture and death of Corporal Edgar Ledesma Lopez.

The Third Special Penal Superior Court continued oral proceedings against former intelligence service director Vladimiro Montesinos, former armed services chief General Nicolas Hermoza, Colonel Roberto Huaman, and Colonel Jesus Zamudio Montesinos for extrajudicial killings in the 1997 rescue of 74 hostages at the Japanese ambassador's residence.

On April 8, the First Anticorruption Court sentenced Julio Salazar Monroe, former head of the National Intelligence Service, to 35 years' imprisonment, and former members of the Grupo Colina detachment Jose Gonzales Alarcon, Fernando Lecca Esquen, and Orlando Vera Navarrete each to 15 years' imprisonment for aggravated homicide, aggravated kidnapping, and forced disappearance in 1992 of nine students and a professor at La Cantuta University.

By year's end former president Alberto Fujimori remained in detention pursuant to a December 2007 sentence to six years' imprisonment for ordering an illegal search. Fujimori also remained on trial on charges that carried prison terms of up to 10 years for corruption and 30 years for human rights violations. The most serious charges concerned Fujimori's involvement in the 1991 Barrios Altos and 1992 La Cantuta killings.

On August 15, the Second Supranational Court requested that charges of aggravated homicide of Juan Bardales and the deaths of 33 other persons during a prison clash in 1992 be included in the previous extradition request of former president Fujimori from Chile.

On September 8, the First Criminal Superior National Court began investigating whether there was enough evidence to charge Ollanta Humala with participating in

disappearances, torture, and murders in 1992 at the Madre Mia military base. At year's end there was no further information regarding developments in this case.

On December 15, the Constitutional Tribunal (CT) upheld a lower court decision that the statute of limitations had expired regarding the investigation of the 1986 El Fronton prison massacre. The lower court did not include as a subject of the investigation President Alan Garcia, who was president in 1986. Civil society groups asserted that the CT's decision did not respect international norms that human rights violations have no statute of limitations.

On August 15, Juan Manuel Rivera-Rondon, implicated in the 1985 massacre of 69 villagers during a military raid in the village of Accomarca, was deported to Peru on charges of aggravated homicide. Rivera-Rondon remained in custody awaiting trial in the Third Supraprovincial Court. However, Telmo Ricardo Hurtado Hurtado, also implicated in the massacre, remained in a foreign country pending the outcome of extradition proceedings. In October the nongovernmental organization (NGO) Peruvian Forensic Anthropology Team (EPAF) identified the remains of six victims of the killings at Accomarca.

Between May and July EPAF exhumed the remains of more than 100 men, women, and children reportedly massacred in 1984 by the military and buried in a clandestine mass grave in the village of Putis in the department of Ayacucho. Through October EPAF and family members of the victims identified clothing belonging to 19 of the victims.

At year's end the Public Ministry continued investigating a mass grave of unknown date, discovered in 2006 in Cusco. The grave contained the remains of 80 bodies. The Institute of Legal Medicine, a government agency, identified 10 of the exhumed bodies.

During the year narcotics traffickers and members of the Shining Path terrorist organization killed 10 police officers, 17 soldiers, and four civilians. Between January and December the Shining Path conducted 64 terrorist acts in remote coca-growing areas.

Societal violence outside Lima remained a serious problem, often due to a lack of police presence.

b. Disappearance.—In September government forces operating in the VRAE state of emergency zone were responsible for the disappearances of several persons (See Section 1.a.).

There were no developments, and none were expected, regarding the Office of the Public Defender's continued investigations into approximately 1,000 disappearance cases from 1980 to 2000, some of which were considered politically motivated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices. Although there were no allegations of systematic torture, there were reports that security officials used excessive force. The authorities seldom punished those who committed abuses.

Allegations of abuse most often arose immediately following an arrest, when families were prohibited from visiting suspects and when attorneys had limited access to detainees. In some cases police and security forces allegedly threatened or harassed victims, their relatives, and witnesses to prevent them from filing charges of human rights violations. According to the NGO Human Rights Commission (COMISEDH), some victims were reluctant to pursue judicial proceedings for fear that abusers would be released without being charged. COMISEDH reported 17 cases of aggravated torture by security forces.

On February 25, three police officers reportedly raped 26-year-old Luis Alberto Rojas Marin in the police station at Casa Grande, allegedly because they thought he was a homosexual. On April 11, a judge ordered that the three officers be detained in police custody. NGOs asserted that this was the first time the Government had arrested persons based on hate crimes and human rights abuses related to sexual orientation. However, due to protest marches organized by family members, magistrates of the La Libertad Regional Judicial Court freed the three officers. Due to what it determined to be insufficient evidence during the preliminary investigation, the Public Ministry closed the case. Rojas' lawyer appealed the decision, and the outcome was pending at year's end.

There were no further developments, and none were expected, regarding the Supraprovincial Court of Lima's review in 2007 of the alleged police beating in 2005 of Wilmer Cubas Carranza.

There was no further information, and none was expected, regarding the Public Defender's Office investigation into allegations that guards beat prisoners after a 2006 riot at La Asuncion Prison in Junin.

By year's end the Fifth Prosecutor's Office of Callao continued its investigation of the alleged beating in 2006 of inmate Samuel David Flores Valdivia by Sarita Colonia Prison Director Manuel Vazquez.

Prison and Detention Center Conditions.—Prison conditions were harsh. The National Penitentiary Institute (INPE) operated 56 of the country's 85 prisons, and the National Police (PNP) has jurisdiction over the rest. Prisoners with money had access to cellular telephones, illicit drugs, and meals prepared outside the prison. Conditions were poor to extremely harsh in facilities for prisoners who lacked funds. Overcrowding, poor sanitation, and inadequate nutrition and health care were serious problems. Inmates had intermittent access to running water, bathing facilities were inadequate, kitchen facilities were unhygienic, and prisoners slept in hallways and common areas for lack of cell space. Prisoners had access to illegal drugs, and tuberculosis and HIV/AIDS were reportedly at near-epidemic levels. Authorities at the San Juan de Lurigancho men's prison held 10,230 prisoners in a facility designed for 1,500. On December 10, INPE opened a new women's prison, Tarapaca, which reduced substantially overcrowding at the Santa Monica prison in Chorrillos.

Conditions were especially harsh in maximum-security facilities located at high altitudes. The high-security prison in the jungle area of Iquitos was in poor condition with the physical infrastructure of the building near collapse. The prison facility in Maynas was in such disrepair that rubble prevented guards from reaching some watchtowers.

Prison guards and fellow inmates abused prisoners. There were deaths of inmates in prisons, most attributed to fellow inmates, but some were due to negligence by guards. Guards received little or no training or supervision. Corruption was a serious problem, and some guards cooperated with criminal bosses who oversaw the smuggling of guns and drugs into prisons.

There were no developments regarding any investigation of the October 2007 killing of one inmate by several other prisoners during a gun battle with guards at Lima's Miguel Castro Prison.

Authorities had sentenced only 15,000 of the 45,000 persons held in the country's detention facilities. Authorities held detainees temporarily in pretrial detention centers located at police stations, judiciary buildings, and the Ministry of Justice. In most cases authorities held pretrial detainees with convicted prisoners.

The AntiCorruption Court completed its investigation of Jose Gamboa Mendoza, director of the Piedras Gordas Penitentiary, who was taped negotiating bribes in 2006. Gamboa remained in prison awaiting trial at year's end.

Anticorruption Judge Rafael Vela Barba ordered Cesar Orozco Barrios, director of Piedras Gordas Penitentiary, along with three other civil employees, to remain in the country while authorities investigated charges that they accepted money from inmates.

The Government permitted prison visits by independent human rights observers. The International Committee of the Red Cross made 54 unannounced visits to inmates in 30 prisons and detention centers.

d. Arbitrary Arrest or Detention.—The constitution, criminal code, and antiterrorist statutes prohibit arbitrary arrest and detention. The law permits police to detain persons for investigative purposes. The law requires a written judicial warrant for an arrest unless the perpetrator of a crime is caught in the act. Only judges may authorize detentions, including in corruption cases. Authorities are required to arraign arrested persons within 24 hours, except in cases of terrorism, drug trafficking, or espionage, in which arraignment must take place within 30 days. Military authorities must turn over persons they detain to the police within 24 hours. In remote areas arraignment must take place as soon as practicable.

Role of the Police and Security Apparatus.—The PNP, with a force of approximately 91,000, was responsible for all areas of law enforcement and internal security and functioned under the authority of the Ministry of the Interior. The PNP's personnel structure follows that of the military, with an officer corps and enlisted personnel. The organizational structure is a mixture of directorates that specialize in specific areas (such as kidnapping, counternarcotics, and counterterrorism) and local police units. Each department, province, city, and town has a PNP presence.

The armed forces, with approximately 132,000 personnel, are responsible under the authority of the Defense Ministry for external security but also have limited domestic security responsibilities.

Observers noted that the PNP was undermanned and suffered from a lack of training and professionalism. Corruption and impunity remained problems. There were also several reports of military corruption, impunity, and resistance to provide information on its personnel under investigation for human rights abuses committed during the country's internal armed conflict.

The PNP is charged with witness protection but lacked resources to provide training for officers, conceal identities, or offer logistical support to witnesses. Officers assigned to witness protection cases often brought witnesses into their homes to live.

Arrest and Detention.—The law requires police to file a report with the Public Ministry within 24 hours after an arrest. The Public Ministry, in turn, must issue its own assessment of the legality of the police action in the arrest. Judges issue warrants based on sufficient evidence. The law also provides for the right to prompt judicial action. The time between an arrest and an appearance before a judge averaged 20 hours. Judges have 24 hours to decide whether to release a suspect or continue detention. A functioning bail system exists, but many poor defendants lacked the means to post bail. By law detainees are allowed access to a lawyer and to family members. The Ministry of Justice provided indigent persons with access to an attorney at no cost. Persons detained for espionage, drug trafficking, corruption, and terrorism may be held for up to 30 days. Police may detain suspected terrorists incommunicado for 10 days. The Public Ministry oversees the detention centers, which the ombudsman also monitored.

Lengthy pretrial detention was a problem. According to a study prepared by the Technical Secretary of the Special Commission for Integral Reform of the Justice System, only 32 percent of the persons in prison had been sentenced, with 68 percent awaiting trial, the majority for between one and two years. If prisoners are held more than 18 months without being sentenced—36 months in complex cases—the law requires that they be released.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice. NGOs complained that the judiciary was politicized.

The three-tier court structure consists of lower courts, superior courts, and a Supreme Court of Justice of 30 judges. Supranational courts execute judgments made by courts, such as the Inter-American Court of Human Rights, outside the domestic judicial system. A seven-person constitutional tribunal operates independently of the judicial branch. The independent and autonomous National Judicial Council (CNM) appoints, disciplines, and evaluates all judges and prosecutors who have served in their position for at least seven years (excluding those chosen by popular election). Lack of certification from the CNM permanently disqualifies a judge or prosecutor.

The military justice system provided the same rights as civilian courts. Under the military justice system, judges in the lower courts must pass judgment and sentence within 10 days of the opening of trial. Defendants can appeal convictions to the Superior Military Council, which has 10 days to issue a decision. A final appeal may be made to the Supreme Council of Military Justice, which must issue a ruling within five days. At the Superior Military Council and Supreme Council levels, a significant number of judges were active-duty officers with little or no professional legal training.

The Terrorism Court, in accordance with decisions of both the Inter-American Court of Human Rights and the Constitutional Tribunal, continued to retry defendants previously convicted by military tribunals. The courts found 10 persons guilty and absolved 95 persons in terrorism cases. Approximately 232 terrorism cases remained pending at year's end.

The National Penal Court continued investigating cases involving allegations of human rights abuses by security forces during the war against the Shining Path in the 1980s and 1990s. The court still had some cases referred by the Truth and Reconciliation Commission, but only a few involved active investigations.

Trial Procedures.—The justice system is based on the Napoleonic Code. The prosecutor investigates cases and submits an opinion to a first instance judge, who determines if sufficient evidence exists to open legal proceedings. The judge conducts an investigation, evaluates facts, determines guilt or innocence, and issues a sentence. All defendants are presumed innocent; they have the right to be present at trial, to call witnesses, and to be represented by counsel, although in practice the public defender system often failed to provide indigent defendants with qualified attorneys. Although citizens have the right to be tried in their own language, language services for non-Spanish-speakers were sometimes unavailable. Defendants may appeal verdicts to the superior court and then to the Supreme Court of Justice. The Constitutional Court decides cases involving such issues as habeas corpus.

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

Civil Judicial Procedures and Remedies.—The country has an independent judiciary that enables citizens to bring lawsuits for violations of their rights; however,

court cases often dragged on for years, making it difficult for some plaintiffs, particularly those of limited economic means, to pursue legal redress. Press reports, NGOs, and others alleged that judges frequently were subject to corruption or influence by powerful outside actors.

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

The law prohibits such actions, and the Government generally respected these prohibitions. There were reports, however, that authorities sometimes entered private dwellings before obtaining a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press. Although the Government generally respected these rights in practice, some civil society, media, and political opposition groups expressed concern about whether citizens could criticize the Government. There was widespread harassment of the press by provincial authorities, the police, and private groups, such as coca growers. Harassment took the form of attacks on journalists, illegal arrests, and threats.

The independent media were active and expressed a variety of views. All media outlets were privately owned except for one government owned daily newspaper, two television networks, and one radio station.

A number of journalists and media outlets experienced intimidation. The National Journalists Association reported 177 cases of harassment, and the Institute of Press and Society issued 105 alerts. Most incidents took the form of violent attacks, threats, judicial pressure, illegal arrests, and theft of broadcasting equipment and journalists' files. Some cases were attributable to a lack of an effective government presence in some parts of the country. Municipal and regional government authorities reportedly harassed reporters in approximately 14 incidents.

By year's end there were no new developments regarding the legal proceedings initiated in January 2007 by Lima municipality officials Jose Luis Zafra and Mazzi Soto against radio journalist Elizabeth Salinas and magazine photographer Cinthia Flores in relation to their investigation of the administration of Mayor Luis Castaneda.

Between September 9 and 14, unknown actors made death threats by telephone against journalist Americo Zambrano of *Caretas* magazine's investigative unit. On September 11, Zambrano had reported information about a series of complaints between Army Commander in Chief Edwin Donayre and other army leaders.

Mary Perez of radio *La Voz de la Selva* reported that throughout the year, unknown actors threatened her by telephone after her station reported that the Loreto regional government had made irregular purchases of equipment. By year's end there was no information regarding any investigation of the alleged threats.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the free expression of views via the Internet, including by e-mail. The chief impediment to Internet access was a lack of infrastructure. The International Telecommunication Union reported that there were 27 users of the Internet per 100 inhabitants.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of freedom of assembly, and the Government generally respected this right in practice. The Government maintained emergency zones and suspended the freedom of assembly and other freedoms in coca growing areas, where the Shining Path operated. The emergency zones were located in several provinces in Ayacucho, Huancavelica, Cusco, and Junin departments. The law does not require a permit for public demonstrations, but organizers must inform the Interior Ministry's political authority (prefect) about the type of demonstration and its location. Demonstrations may be prohibited for reasons of public safety or health. The police used tear gas and occasional force to disperse protesters in various demonstrations. Although most demonstrations were peaceful, protests in some areas turned violent.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

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

The constitution establishes separation of church and state, but laws favoring the Roman Catholic Church remained in force. The Catholic Church and clergy received

preferential treatment in education, tax benefits, and other areas. The law provides that the military may hire only Catholic clergy as chaplains, and Catholicism is the only recognized religion for military personnel. The Ministry of Education requires that Catholic religion courses be taught in all public and private primary and secondary schools; however, many non-Catholic private schools were granted exemptions. Additionally, parents may request an exemption by writing to the school principal.

Societal Abuses and Discrimination.—There were no reports of societal abuses, discrimination, or anti-Semitic acts. There were approximately 4,000 members of the Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for the right of free movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government maintained emergency zones where it restricted freedom of movement in several provinces (See Section 2.b.).

The Government stated that it implemented the state of emergency to maintain public peace and restore internal order. NGOs commented that the Government had not adequately ensured that military personnel operating in the emergency zones were not using excessive force against civilians.

Narcotics traffickers and the Shining Path at times interrupted the free movement of persons by establishing roadblocks in sections of the Upper Huallaga and VRAE. Occasionally protesters blocked roads to draw public attention to grievances.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Laws allow individuals to apply for refugee status or asylum.

The Government cooperated with the Office of the UN High Commissioner for Refugees and recognized the Catholic Migration Commission (CMC) as the official provider of technical assistance to refugees. The CMC also advised citizens who feared persecution and sought asylum abroad. The Government provided protection to refugees on a renewable, year-to-year basis, in accordance with CMC recommendations. The CMC granted refugee status to 83 persons.

Stateless Persons.—Citizenship is derived either by one's birth within the territory or from one's parents' citizenship. Parents must register their child's birth in order for the child to obtain citizenship. The law provides all citizens with the right to a name, nationality, and legal recognition and guarantees other civil, political, economic, and social rights. More than one million citizens, however, lacked identity documents and could not fully exercise these rights. An estimated 15 percent of births were unregistered. Poor indigenous women and children in rural areas were disproportionately represented among those lacking identity documents. Undocumented citizens faced social and political marginalization and barriers in accessing government services, including running for public office or holding title to land.

Obtaining a National Identity Document requires a birth certificate, but many births in rural areas occurred at home. In an effort to lower infant mortality rates, the Ministry of Health fined women who did not give birth in clinics or hospitals. Poor women often could not pay the fines and could not register their children retroactively.

The ombudsman investigated complaints about the unlawful practice of charging fees to issue identity documents and facilitated refunds when such fees had been paid. The ombudsman also helped citizens obtain documents quickly.

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

The law provides for the right of citizens to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of mandatory voting and universal suffrage.

Elections and Political Participation.—In 2006 Alan Garcia Perez assumed the presidency after two rounds of presidential elections that were considered free and fair. In the 2006 general elections, the president's APRA party won 36 seats (second to the Union for Peru Party's 45 seats) in the 120-seat unicameral Congress.

Nationwide municipal elections were held in 2006. Domestic and international observer delegations declared the elections to be fair and transparent, despite a few localized incidents of violence.

Political parties operated without restriction or outside interference. Registration of a new political party requires the signature of 1 percent of the voters who participated in the past election. Presidential and congressional terms are five years, and the law prohibits the immediate reelection of a president. Groups that advocate the violent overthrow of government are barred from participating in the political process.

There were 32 women in the 120-member Congress. There were five women in the cabinet and four women on the Supreme Court. The Law on Political Parties mandates that at least 30 percent of candidates on the party lists be women. While parties abided by the legislation, many women candidates were included at the bottom of the party lists, reducing their likelihood of winning seats on regional and municipal councils.

There were 23 Quechua and two Aymara speakers in Congress. There was one member of the Afro-Peruvian minority in Congress.

Government Corruption and Transparency.—The law criminalizes official corruption; however, the Government did not implement the law effectively. There was a widespread public perception that corruption was pervasive in all branches of government.

On August 22, the Sixth Special Criminal Chamber of the Supreme Court sentenced to eight years' imprisonment former air force comptroller Hernan de Souza Peixoto Zumaeta for fraud, embezzlement, and breach of the public trust.

On October 5, unknown actors publicly released audiotapes of conversations suggesting government corruption associated with oil concessions. Authorities arrested former minister Romulo Leon Alegria and Alberto Quimper Herrera of Perupetro in connection with the scandal. At year's end the judiciary and legislature continued an investigation regarding the scandal.

In August the Government decommissioned the National Office of Anticorruption and transferred its responsibilities to the comptroller.

Extradited former president Alberto Fujimori continued to face an array of charges, including corruption. Public officials are subject to financial disclosure laws; government agencies responsible for combating government corruption are the General Comptroller's Office and the Office of Anticorruption.

The law provides for public access to government information, and most ministries and central offices provided key information on Web sites. Implementation of the law was incomplete, particularly in rural areas, where few citizens exercised or understood their right to information. The ombudsman encouraged regional governments to adopt more transparent practices for releasing information and monitored the compliance of regional governments with a law that requires public hearings at least twice a year.

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

The country's civil society was vibrant and active. A large number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Some NGOs reported that the Government had used the Peruvian Agency for International Cooperation, the governing body of international technical cooperation, to audit repeatedly their records, which they believed constituted harassment. In April President Garcia publicly criticized the NGO Association for Human Rights for recommending that the EU parliament drop the Movimiento Revolucionario Tupac Amaru (MRTA) from its list of active terrorist organizations.

In June unknown actors broke into the Ayacucho office of the human rights group EPAF and vandalized electronic and telephone equipment. On October 11, unknown actors inserted a virus via Internet into EPAF's computer equipment that destroyed several documents, including the group's reports regarding the Putis massacre site. Throughout the year EPAF had been conducting exhumations and other forensic work to identify victims of forced disappearances reportedly committed by the military, the Shining Path, and MRTA. There were no reports of any police investigation regarding the vandalism of EPAF's property.

According to COMISEDH, military commanders continued to deny human rights observers access to military facilities. To obtain information about activities in those areas, NGOs had to work through the ombudsman's office.

The Council for Reparations, a government entity, continued assisting persons who suffered during the conflict with Shining Path between 1980 and 2000 and com-

piled a registry of victims, both individuals and communities. The council registry included 20,808 individuals and 3,634 communities eligible for reparations benefits. A number of victims and family members lacking proper identity documents had difficulties registering for eligibility for the reparations program.

The Office of the Human Rights Ombudsman operated without government or party interference and was considered effective. The ombudsmen lacked adequate resources. During the year the office issued 10 reports recommending that the Government strengthen investigations of all human rights cases and abolish fees associated with matriculation in public schools.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement lagged and discrimination against women, persons with disabilities, indigenous people, and racial and ethnic minorities persisted.

Women.—Violence against women and girls, including rape, spousal abuse, and sexual, physical, and mental abuse was a problem. Insensitivity on the part of law enforcement and judicial authorities toward female victims contributed to a societal attitude of permissiveness toward abuse. The Ministry of Women and Social Development reported that four of every 10 women were victims of domestic violence.

The law criminalizes rape, including spousal rape, but enforcement was not effective. There were no reports on the numbers of abusers prosecuted, convicted, or punished.

The law prohibits domestic violence, and penalties range from one month to six years in prison. The law authorizes judges and prosecutors to prevent the convicted spouse or parent from returning to the family's home and authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence. It also allows health professionals to document injuries. The law requires police investigation of domestic violence to take place within five days and obliges authorities to extend protection to women and children who are victims of domestic violence.

The Ministry of Women and Social Development (MIMDES) operated 88 women's emergency assistance centers. There was no information available regarding the number of domestic violence cases the centers handled. MIMDES also operated a toll-free hot line, which handled requests for assistance regarding family disturbances.

Many domestic abuse cases went unreported, and NGOs stated that the majority of reported cases did not result in formal charges because of fear of retaliation or the expense of filing a complaint. The protections offered were limited because of legal delays, ambiguities in the law, and the lack of shelters for victims. MIMDES operated the Women's Emergency Program, which sought to address the legal, psychological, and medical problems facing victims of domestic violence. MIMDES operated centers that brought together police, prosecutors, counselors, and public welfare agents to help victims of domestic abuse.

MIMDES continued efforts to sensitize government employees and the citizenry to domestic violence, but the ombudsman continued to complain that police officers reacted indifferently to charges of domestic violence, despite legal requirements to investigate the complaints.

Prostitution is legal for women over 18 years of age if they register with municipal authorities and carry a health certificate. The vast majority of prostitutes worked in the informal sector, where they lacked health protection. NGOs reported that traffickers lured increasing numbers of underage women into prostitution. Penalties for pimps and clients of underage prostitutes range from four to eight years in prison. There was no information on the number of cases reported, prosecuted, or convicted.

Sexual harassment was a problem. The law defines sexual harassment as a labor rights violation subject to administrative punishment. Punishments differ depending on the professional situation where the violation took place. Government enforcement was minimally effective.

The law provides for equality between men and women and prohibits discrimination against women with regard to marriage, divorce, and property rights, and women from the upper and upper-middle classes assumed leadership roles in companies and government agencies. The law prohibits racial and sexual discrimination in employment or educational advertisements and the arbitrary dismissal of pregnant women. In practice discrimination continued.

The law stipulates that women should receive equal pay for equal work. However, societal prejudice and discrimination led to disproportionate poverty and unemployment rates for women. On average, women were paid 46 percent less than men;

usually worked in less secure occupations as maids, in factories, or as street vendors; and were more likely to be illiterate due to lack of formal education.

Children.—The Government was committed to the welfare and rights of children. There were problems with government registration of births (*See* Section 2.d.).

Violence against children and the sexual abuse of children were serious problems. MIMDES reported 845 cases of violence or sexual abuse of children five years of age and under and 1,909 cases of abuse of children ages six to 11. Many abuse cases went unreported because societal norms viewed such abuse as a family problem that should be resolved privately. The Women's Emergency Program worked to help children who were victims of violence. The country was a destination for child sex tourism, with Cusco and Iquitos as the principal locations.

MIMDES' Children's Bureau coordinated government policies and programs for children and adolescents. At the grassroots level, 1,350 children's rights and welfare protection offices resolved complaints ranging from physical and sexual abuse of children to abandonment and failure to pay child support. Provincial or district governments operated approximately 50 percent of these offices, while schools, churches, and NGOs ran the others. Law students staffed most of the units, particularly in rural districts. When these offices could not resolve disputes, officials usually referred cases to the local prosecutors' offices of the Public Ministry, whose adjudications were legally binding and had the same force as judgments entered by a court of law.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, through, or within the country.

The country was a source, transit point, and destination for trafficked persons. Internal trafficking was the major trafficking problem in the country. No authoritative estimates existed on the extent of international trafficking, but evidence indicated that persons were trafficked to Spain and particularly to Japan through organized criminal networks. During the year there were reports that victims were trafficked into the country from Ecuador and Bolivia.

The Government, NGOs, and international organizations reported that significant domestic trafficking occurred, particularly in districts located in the Andes or the Amazon jungle, to bring underage girls into cities or mining areas to work as prostitutes or domestic servants. The purposes of trafficking included sexual and labor exploitation. The principal victims and groups at high risk for trafficking were children and young women from rural or poor urban areas, persons living in poverty, persons with disabilities, victims of domestic abuse, illiterate persons, and persons lacking birth certificates or other identification documents. There were reports that infants and children were sold to traffickers who used them for begging activities.

Traffickers' methods often combined emotional manipulation and coercion. Victims were recruited by friends or acquaintances and through newspaper and Internet advertisements or street posters offering employment. Some victims were recruited by local employment agencies that offered poor young women from rural areas relatively well-paid "restaurant work" in Lima, Cusco, major coastal cities, and abroad. NGOs reported that the principal traffickers were local crime groups, parents of victims, and informal networks involving acquaintances or extended family members. Traffickers usually transported their victims by road, while a smaller percentage traveled by air or river. The families of the victims wittingly or unwittingly facilitated the trafficking by trusting a "friend" or a distant relative who promised the victim a job.

The law provides penalties from eight to 15 years' imprisonment for those who move a person, either within the country or to an area outside the country, for the purposes of sexual exploitation (including prostitution, sexual slavery, or pornography). If the victim is under 18 years old, the punishment is 12 to 20 years' imprisonment. Laws prohibiting kidnapping, sexual abuse, and illegal employment of minors also were enforced and used to punish those who trafficked persons. The law was not effectively enforced.

On December 1, the Government enacted a new antitrafficking law that provides for improved law enforcement in prevention, protection, and prosecution of trafficking cases.

The PNP's Trafficking Investigation Unit raided clandestine brothels, rescued a number of young women, and returned victims to their families. The raids resulted in few arrests for trafficking crimes. Authorities charged most persons with pimping and related crimes. The PNP's trafficking unit reported investigating 30 cases, rescuing 56 victims, and arresting 15 alleged traffickers.

On June 13, authorities arrested Paulina Grajeda Salazar in Cuzco for labor and sexual exploitation of minors. The victims were transported from the city of Iquitos

to work at her three nightclubs in Cuzco. At year's end there was no further information regarding developments in this case.

On December 14, authorities captured and charged Teobaldo Saavedra Chamba, the owner of a bar in Sullana, with sexual exploitation of minors. At year's end there was no further information regarding developments in this case.

On December 15, authorities in Piura arrested Segundo Yoel Merino Sanchez, the owner of a tourist restaurant in Sullana. Authorities charged him with exploitation of minors. At year's end there was no further information regarding developments in this case.

There were no new developments regarding the August 2007 arrest of Leydi Elisa Machaca Coaquira and Norma Gomez Gomez on charges of trafficking in persons for kidnapping and forcing a girl to work for three years in Puno.

By year's end the case of Carlos Arturo Yong Chong, whom authorities arrested in 2006 for trafficking infants to France, was at the trial stage.

In September the Directorate of Criminal Investigation of the PNP, in coordination with the National Permanent Commission on Human Rights, the Office of Social Communication of the Ministry of the Interior, and the Office of the UN Against Drugs and Crime, conducted an information and prevention campaign on human trafficking that included posters with a telephone number to report crimes.

The Government coordinated with NGOs to protect and assist victims. A Catholic order, the Sisters of Adoration, operated three programs for underage female prostitutes: a live-in center for approximately 75 girls and 20 children of the victims in Callao and two drop-in centers in Lima and Chiclayo. All facilities offered medical attention, job training, and self-esteem workshops designed to keep underage girls from the streets. The Government provided the building in Callao and paid for upkeep, utilities, and food.

The Ministry of Interior's Office of Human Rights maintained a toll-free trafficking hot line. The hot line staff received support from the International Organization for Migration, which assisted in informational campaigns and training government officials in trafficking issues. The Ministry of Foreign Affairs produced and distributed antitrafficking materials to domestic passport offices and overseas consular posts.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and provides for their protection, care, rehabilitation, and security. The law also mandates that public spaces be free of barriers and accessible to persons with disabilities. The law provides for the appointment of a disability rights specialist in the ombudsman's office; the Government, however, devoted limited resources to enforcement and training, and many persons with physical disabilities remained economically and socially marginalized. The Government made little effort to ensure access to public buildings. There were no interpreters for the deaf in government offices and no access to recordings or braille for the blind.

The Government failed to enforce laws providing that the state is responsible for safeguarding and attending to persons with mental health problems in situations of social abandonment. The number of medical personnel in psychiatric institutions was insufficient; in some cases patients cared for each other. The NGOs Mental Disability Rights International and the Association for Human Rights reported that the Government did not protect adequately the rights of persons with mental illnesses, including inhuman treatment of institutionalized patients, discrimination in the provision of health and social services, and failure to ensure informed consent.

MIMDES' National Council of the Person with Disabilities (CONADIS) is responsible for protecting the rights of persons with disabilities. On October 23, CONADIS signed an agreement with the NGO Sense International to provide educational, vocational, and training services for meeting the needs of deaf and blind persons, foster increased public awareness, and integrate deaf and blind persons into society. CONADIS also donated wheelchairs to persons with disabilities.

National/Racial/Ethnic Minorities.—The law provides all citizens equality before the law and forbids discrimination on the basis of race, national origin, or language.

The population includes large minorities of persons of Asian and African descent. Afro-Peruvians, who were among the poorest groups in the country, faced discrimination and social prejudice. Afro-Peruvians generally did not hold leadership positions in government, business, or the military. Few Afro-Peruvians served as officers in either the navy or the air force. Although the law prohibits mentioning race in job advertisements, NGOs alleged that employers often found ways to refuse Afro-Peruvians jobs or relegate them to low-paying service positions. Employers often re-

quired applicants to submit photos. The media often portrayed Afro-Peruvians as stereotypes.

Indigenous People.—The law prohibits discrimination based on race and provides for the right of all citizens to speak their native language. Spanish and Quechua are the official languages; the Government also recognizes 49 other indigenous languages. The Government did not provide sufficient resources to protect effectively the civil and political rights of indigenous persons.

Most indigenous persons and those with indigenous features faced societal discrimination and prejudice. They were often the victims of derogatory comments and subjected to illegal discrimination in restaurants and clubs.

Language barriers and inadequate infrastructure in indigenous communities impeded the full participation of indigenous persons in the political process. Many indigenous persons lacked identity documents and could not exercise basic rights.

The geographic isolation of highland and Amazon jungle communities contributed to their social, economic, and political marginalization. The UN Children's Fund reported that indigenous persons in rural areas often did not have access to public services, particularly health care and education. Ninety percent lived in poverty, and only 39 percent had completed primary school. Child mortality rates were higher in indigenous areas, and only 20 percent of births took place in public health centers.

While the constitution recognizes that indigenous persons have the right to communal land ownership, indigenous groups often lacked legal title to demarcate the boundaries of their lands, making it difficult to resist encroachment by outsiders. By law local communities retain the right of unassignability to prevent the reassignment of indigenous land titles to nonindigenous tenants. However, some members of indigenous communities sold land to outsiders without the consent of the majority of their community. Mineral or other subsoil rights belong to the state, a situation that often caused conflict between mining interests and indigenous communities. The International Labor Organization (ILO) Committee of Experts 2008 (ILO COE) observations asked the Government to provide information on measures adopted, in consultation with and the participation of indigenous persons, to determine to what extent indigenous community interests would be affected before undertaking or authorizing programs for prospecting or utilizing subsurface natural resources in indigenous lands and territories.

On August 9, indigenous communities in the provinces of Loreto, Cusco, and Amazonas blocked roads, surrounded hydrocarbon installations, and threatened to halt the flow of energy resources in a move to protect indigenous lands against alleged incursions by outside investors. The protesters demanded that the Government annul decrees that reduced from two-thirds to a simple majority of local community members required to approve changes in communal land ownership. In response to the protests, the Government declared a state of emergency in the three provinces. On August 22, Congress overturned the decrees.

The constitution provides that all citizens have the right to use their own language before any authority by means of an interpreter. In Congress native speakers of Quechua conducted some debate in Quechua (translators were available for non-Quechua speakers). The National Program of Mobilization for Literacy continued teaching basic literacy and mathematics to poor men and women throughout the country.

In May MIMDES restored the status of the National Institute of Development of Andean, Amazonian, and Afro-Peruvians (INDEPA) as an autonomous government entity. INDEPA's board had 23 members including four Andean, three Amazonian, and two Afro-Peruvian representatives elected by popular vote in their respective communities. INDEPA's mission is to formulate and adopt national development policies, programs, and projects for Andean, Amazonian, and Afro-Peruvian communities. During the year INDEPA lacked a separate budget and was ineffective.

Other Societal Abuses and Discrimination.—Homosexuals and persons with HIV/AIDS faced extensive discrimination and harassment. The Ministry of the Interior Handbook of Human Rights Applied to the Civil Police stipulates that police must respect human rights, especially of the most vulnerable groups, and refers explicitly to the human rights of lesbians, gays, and transvestites. The Ministry of Health (MINSA) implemented policies to combat discrimination based on sexual orientation.

MINSA executed policies to combat discrimination based on HIV/AIDS status, including a four-year strategic plan to prevent and control HIV/AIDS. On December 1, as part of "World Day to Combat AIDS," MINSA and the Office of the Multi-national Coordinator of Health gave free antiretroviral treatment to 12,500 persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association. Regulations allow workers to form unions on the basis of their occupation, employer affiliation, or geographic territory. Workers are not required to seek authorization prior to forming a trade union, and employers cannot prevent employment because of union membership. Judges, prosecutors, and members of the police and military are not permitted to form or join unions. More than 70 percent of the 13 million-member labor force worked in the informal sector. The Ministry of Labor (MOL) reported that approximately 7 percent of the labor force was unionized.

Many businesses hired temporary or contract workers who were legally not permitted to participate in those firms' unions. Although the law forbids businesses from hiring temporary workers to perform core company work functions, employers circumvented these restrictions in a number of ways. On June 24, however, the Government enacted a new law governing subcontracting that requires businesses to monitor their contractors and imposes liability on businesses for the actions of their contractors.

Businesses in export processing zones (EPZs) had more flexibility under the law in hiring temporary labor.

The constitution provides for the right to strike but aims to balance this right with broader economic objectives. Unions in essential public services, as determined by the Government, must provide a sufficient number of workers during a strike to maintain operations. The law bans government unions in essential public services from striking. It also requires strikers to notify the MOL before carrying out a job action.

Between January and September the Government declared legal three out of 53 strikes. According to labor leaders, permission to strike was difficult to obtain, in part because the ministry feared harming the economy. The MOL justified its decisions by citing unions' failure to fulfill the legal requirements necessary to strike.

Between February 18 and 21, a nationwide farmers' strike protesting price increases in cooking oil and other basic food products resulted in the deaths of four persons, the arrest of 150 others, and a state of emergency in eight provinces.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of public and private sector workers to organize and bargain collectively but specifies that this right must be exercised in harmony with broader social objectives. A union must represent at least 20 workers to become an official collective bargaining agent. Union representatives have the right to participate in collective bargaining negotiations and establish negotiating timetables.

Although a conciliation and arbitration system exists, union officials complained that the high cost of arbitration made it difficult to use.

The law prohibits antiunion discrimination and other forms of employer intimidation, and workers fired for union activity have the right to reinstatement. However, the Government did not effectively enforce the law, and employers engaged in antiunion practices.

There were no recognized unions, special laws or exemptions from regular labor laws in the four EPZs. All labor in the EPZs was subcontracted.

Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including labor by children; however, there were reports that such practices occurred.

The ILO estimated that between 20,000 and 40,000 persons worked as forced laborers, primarily in the logging industry in the Amazon region. The ILO COE 2008 observations requested that the Government act to combat effectively persistent forced labor practices, including slavery and debt bondage, affecting many workers from indigenous communities in Atalaya and other provinces. The ILO COE identified specifically indigenous workers subjected by landowners to debt bondage in stock-raising and timber estates. Although the Government reported that it had not received any complaints or issued any penalties regarding forced labor, the ILO COE observed that the absence of penalties indicated the incapacity of the judicial system to prosecute and penalize those responsible. The ILO COE asked the Government to provide information on progress to investigate, prosecute, and achieve convictions for forced labor cases. The MOL reported that approximately 5,000 children worked as forced laborers in producing coca. Another undetermined number of children worked as forced laborers in gold mining.

During the year the MOL trained its first group of labor inspectors to specialize in combating forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws exist to protect children from exploitation in the workplace and prohibit forced or compulsory labor. In practice child labor remained a serious problem, and the laws were

violated routinely in the informal sector. The ILO estimated that during the year there were approximately two million working children in the country. Child labor was a serious problem in gold mining, stone extraction, timber production, brick manufacturing, and coca and Brazil nut production.

The legal minimum age for employment is 14. However, children between the ages of 12 and 14 may work in certain jobs for up to four hours per day, and adolescents between ages 15 and 17 may work up to six hours per day if they obtain special permission from the MOL and certify that they are attending school. In certain sectors of the economy, higher minimums were in force: age 15 in industrial, commercial, or mining and age 16 in fishing. The law prohibits children from engaging in certain types of employment, such as working underground, lifting or carrying heavy weights, accepting responsibility for the safety of others, or working at night. The law prohibits work that jeopardizes the health of children and adolescents, puts their physical, mental, and emotional development at risk or prevents regular attendance at school.

The MOL's Office of Labor Protection for Minors may issue permits authorizing persons under age 18 to work legally, and between January and August granted 851 such permits, the majority of which went to children between ages 16 and 17. Parents must apply for the permits, and employers must have a permit on file to hire a child.

The Government identified stone extraction, coca production, and brick making as among the worst forms of child labor. The MOL estimated that the 5,000 forced child laborers in coca production collected leaves, and handled and mixed by hand and foot dangerous chemicals for cocaine processing.

The MOL is responsible for enforcing child labor laws, and its inspectors may investigate reports of illegal child labor. The ministry stated that inspectors conducted routine visits without notice to areas where persons or organizations reported child labor problems. The Government reported that it fined and suspended operations of firms found violating labor laws.

Inspectors maintained contact with a wide variety of local NGOs, church officials, law enforcement officials, and school officials. There were 406 labor inspectors, with 315 working in Lima, whose inspections focused on the formal sector. In May authorities transferred 88 of the 315 inspectors in Lima to regional offices throughout the country.

The Office of the Ombudsman for Children and Adolescents (DEMUNA) worked with the MOL to document complaints regarding violations of child labor laws. There were more than 1,000 DEMUNA offices in municipalities throughout the country. DEMUNA also operated a decentralized child labor reporting and tracking system. MIMDES administered a program that sent specialized teachers to the streets to provide education and support to minors involved in begging and other kinds of work.

The National Intersectoral Commission for the Eradication of Forced Labor, a government entity, operated a program in Huachipa that targeted 150 children and adolescents working in brick making and other industries. The program provided information to raise awareness within the community about child labor, education for child workers, and assistance to parents to develop skills to find alternative employment.

e. Acceptable Conditions of Work.—The law states that workers should receive a just and sufficient wage determined by the Government in consultation with labor and business representatives, as well as adequate protection against arbitrary dismissal. The statutory monthly minimum wage is 550 soles (\$176), which did not provide a decent standard of living for many families. The Government estimated the poverty line to be approximately 207 soles (\$65) a month per person, a figure that varied by region. The MOL enforced the minimum wage only in the formal sector, which employed approximately 20 percent of the labor force, and many workers in the unregulated informal sector, most of whom were self-employed, received less.

Employers frequently required long hours from domestics and paid wages as low as 75 to 105 soles (\$20 to \$30) per month. The law provides for a 48-hour workweek and one day of rest and requires companies to pay overtime for more than eight hours of work per day and additional compensation for work at night. Labor, business, and the Government reported that the majority of companies in the formal sector complied with the law, and that these standards were enforced.

Occupational health and safety standards exist. Nevertheless, the Government often did not devote sufficient personnel, technical, and financial resources to enforce compliance with labor laws. Labor sources claimed that many inspectors were forced to pay for transportation to sites and were often harassed or refused entry by businesses. Many fines went uncollected, in part because the MOL lacked an effi-

cient tracking system. The ILO COE's 2008 observations noted numerous problems confronting the labor inspectorate, including lack of support and commitment by public authorities. The ILO COE requested that the Government ensure that labor inspectors were empowered to enter freely workplaces for inspection without having to give prior notice to employers.

The MOL reported that between January and October its inspectors conducted 99,363 visits to work sites (compared with 29,449 visits in 2007) and levied 6,212 fines, including 715 for health and safety violations.

In cases of industrial accidents, an agreement between the employer and worker usually determined compensation. The worker did not need to prove an employer's culpability in order to obtain compensation for work-related injuries. No provisions exist for workers to remove themselves from potentially dangerous situations without jeopardizing employment.

SAINT KITTS AND NEVIS

Saint Kitts and Nevis is a multiparty, parliamentary democracy and federation, with a population of approximately 39,200. In 2004 national elections, Prime Minister Denzil Douglas's Saint Kitts and Nevis Labour Party (SKNLP) won seven seats in the 11-seat legislature. International observers concluded that the election was credible and that the result reflected the will of the voters but noted weaknesses in the electoral process. The constitution provides the smaller island of Nevis considerable self-government under a premier, as well as the right to secede from the federation in accordance with certain enumerated procedures. In 2006 voters in Nevis elected Joseph Parry of the Nevis Reformation Party (NRP) as premier. Civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, problems included use of excessive force by police, poor prison conditions, corruption, and violence against women.

RESPECT FOR HUMAN RIGHTS

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

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

Following a coroner's inquest, no police officers were charged with the March 2007 police killing of Philmore "Kiddy" Seaton. Security force private Louis Richards was charged and convicted of manslaughter for the August 2007 killing of Clyde Williams.

No police officers or security force members were charged in the October 2006 police killing of Nigel Langley Sweeney, in the 2005 police killing of escaped prisoner Rechalieu Henry, or the 2005 police killing of Garnet Tyson in Nevis.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them. However, due to an increasing number of violent incidents involving police, law enforcement officials came under increased scrutiny, and in June the Sun newspaper reported that citizens were becoming increasingly afraid of reporting crime because of the heavy-handedness with which police carry out their duties. Corporal punishment is legal and an accepted measure for juveniles in schools and the justice system. A court can order that an accused person receive lashes if found guilty.

On January 18, after an altercation with two other men, police shot and injured Devon Albertine, who was carrying a machete used to sell coconuts on the streets. The police attempted to disarm him; however, Albertine wrestled his machete away from police and began to walk away. Defense Force soldiers arrived and shot Albertine twice while he was attempting to leave the area. Authorities charged Albertine with assault and use of threatening language.

On January 29, police, using nonlethal ammunition, shot Beko Lapsey during execution of a search warrant.

Authorities brought no charges against the police officers who shot and wounded Alister Henderson in June 2007 or against officers who shot and wounded Ivan James in October 2007. Both Henderson and James were sentenced for crimes they committed.

Authorities brought no criminal charges against Constable Alister Huggins, whom the Police Disciplinary Tribunal found guilty of “discreditable conduct” in December 2007 for stealing money during a search at a Rastafarian community. The tribunal sentenced Huggins to be confined to barracks for 28 days.

Prison and Detention Center Conditions.—Prisons were overcrowded, and resources remained limited. Built in 1840, the prison on Saint Kitts had an intended capacity of 150 prisoners but held 262 prisoners as of October 31; some prisoners slept on mats on the floor. There were separate facilities for men and women. The prison staff periodically received training in human rights.

The Government permitted prison visits by independent human rights observers, although no such visits were known to have occurred during the year.

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

Role of the Police and Security Apparatus.—The security forces consist of a 400-officer police force, including a paramilitary Special Services Unit, a coast guard, and a small defense force. Military forces patrolled jointly with the police. The military and the police report to the Ministry for National Security, Justice, and Labor.

Senior police officers investigated complaints against members of the police force. When warranted, they refer them to an internal disciplinary tribunal for adjudication; penalties include dismissal, warnings, or other administrative action. No information was available as to the number or disposition of cases under consideration during the year.

Arrest and Detention.—Police may arrest a person based on the suspicion of criminal activity without a warrant. The law requires that persons detained be charged within 48 hours or be released. If charged, a detainee must be brought before a court within 72 hours. There is a functioning system of bail. Family members, attorneys, and clergy were permitted to visit detainees regularly.

Detainees may be held for a maximum of seven days awaiting a bail hearing. Those accused of serious offenses are remanded to custody to await trial, while those accused of minor infractions are released on their own recognizance.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system includes the High Court and four magistrate’s courts at the local level, with the right of appeal to the Eastern Caribbean Court of Appeal. Final appeal may be made to the Privy Council in the United Kingdom.

Trial Procedures.—The constitution provides for a fair, speedy, and public trial, and these requirements generally were observed. Defendants have the right to be present and to consult with counsel in a timely manner. There is a presumption of innocence, and defendants may question or confront witnesses. Juries are used at the High Court level for criminal matters only. Free legal assistance was available for indigent defendants in capital cases only.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters, including lawsuits regarding alleged civil rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such practices, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were eight radio stations and two daily newspapers on the islands. In addition, each major political party published a weekly or fortnightly newspaper. Opposition publications freely criticized the Government, and international media were available. Television was government owned, and there were some government restrictions on opposition access to the medium.

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

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. There was no organized Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/rls/irf.

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

The law does not address forced exile, but the Government did not use it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees, but not to its 1967 protocol, which the Government has not signed. However, the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, but it did not routinely grant refugee status or asylum.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) on one case during the year and was prepared to cooperate with other humanitarian organizations in assisting refugees and asylum seekers. There is an honorary UNHCR liaison in the country.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—There is a multiparty political system, in which political parties were free to conduct their activities.

In the October 2004 general elections, Prime Minister Denzil Douglas's SKNLP returned to office after winning seven of eight Saint Kitts-assigned seats in the 11-seat National Assembly. The People's Action Movement (PAM) party won one seat. The Concerned Citizens Movement party won two of the three assembly seats assigned to Nevis. The Commonwealth observer team categorized the electoral rules as "followed but flawed" and reported concerns about voter fraud, intimidation, and foreign influence. Lack of a requirement to prove identity limited voting officials' ability to prevent persons voting more than once. Use of foreign campaign advisers was controversial, government information services were accused of biased coverage, and the Government deported and refused reentry to a leading opposition consultant.

In 2007 parliament passed electoral reform legislation meant to address the PAM's allegations of corrupt electoral practices by the ruling SKNLP; however, the legislation did not address all such concerns, especially safeguards against persons voting multiple times. There are no campaign finance regulations or prohibitions on political parties paying for the transportation of overseas nationals to return to the country to vote. The new legislation does not include absentee voting. Although the opposition complained about the voter reregistration process, in which all voters were required to appear in person, it was completed on September 30 without major incidents.

The island of Nevis exercises considerable self-government, with its own premier and legislature. In 2006 voters in Nevis elected Joseph Parry of the NRP as premier.

The governor general appoints three senators, two on recommendation of the prime minister and one on the recommendation of the leader of the opposition. There were no women in the parliament or the cabinet; three of four magistrates were women, the court registrar was a woman, and six of 11 permanent secretaries were women. In Nevis one elected member of the House of Assembly, the appointed president of the House of Assembly, and the island's resident judge were women.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. The

opposition PAM party continued to allege possible misconduct on the part of government officials.

Public officials are not subject to financial disclosure laws, and there is no agency responsible for combating government corruption. In 2007 the PAM leader disclosed his personal finances publicly and called for the prime minister to do the same.

While no laws provide for public access to government information, the Government maintained a Web site with limited information concerning government actions.

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

While there are no governmental restrictions on human rights groups, no local human rights groups operated in the country. There were no requests for investigations or visits by international human rights groups during the year.

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

The constitution prohibits discrimination based on race, place of origin, birth out of wedlock, political opinion or affiliation, color, gender, or creed, and the Government generally respected these prohibitions in practice.

Women.—The law prohibits rape, but it does not address spousal rape. Penalties for rape range from two years' imprisonment for incest between minors to life imprisonment for statutory rape or incest with someone under 16. Indecent assault has a maximum penalty of seven years' imprisonment. Incest with a person 16 or older carries a penalty of 20 years' imprisonment. During the year police investigated a number of cases of rape and indecent assault.

Violence against women was a problem. The law criminalizes domestic violence, including emotional abuse, and provides penalties of up to EC\$13,500 (\$5,000) or six months in prison. Although many women were reluctant to file complaints or pursue them in the courts, the Ministry of Gender Affairs handled an annual average of 25 to 30 reports of domestic violence. The director believed that, due to the nature of the crime, many women did not feel comfortable reporting it or asking for a protection order. There were no prosecutions or convictions for domestic violence during the year.

The ministry offered counseling for victims of abuse and conducted training on domestic violence and gender violence for officials in the police and fire departments, nurses, school guidance counselors, and other government employees.

Prostitution is illegal and was not considered a problem.

The law does not specifically address sexual harassment, and it remained a problem.

The role of women in society is not restricted by law but was circumscribed by culture and tradition. There was no overt societal discrimination against women in employment, although analyses suggested that women did not occupy as many senior positions as men. The Ministry of Gender Affairs conducted programs addressing poverty and health and promoting institutional mechanisms to advance the status of women and attain leadership positions for women. Although no legislation requires equal pay for equal work, women and men generally received equal salaries for the same jobs.

Children.—The Government was committed to children's rights and welfare.

Child abuse remained a major problem. The law sets the age of consent at 16. Authorities received a number of reports of sexual assaults against children during the year and brought charges in cases involving alleged sexual activity with minors (indecent assault).

In November a court convicted a former police officer in Nevis of incest; in December he was sentenced to 10 years in prison.

Trafficking in Persons.—In August parliament passed laws criminalizing trafficking in persons that include all elements of the offense, such as withholding identification or travel documents of a person and controlling and restricting the movement of a person. There were no confirmed reports that persons were trafficked to, from, or within the country. The UNHCR representative noted that labor trafficking was known to occur, especially in the form of importing foreign nationals from Guyana and other countries to work on construction projects for lower wages.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—While the law prohibits discrimination, it does not specifically cite discrimination against persons with disabilities. There was no reported discrimination against persons with disabilities in employment, education,

access to health care, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities.

Persons who are mentally ill and deemed a menace to society can be incarcerated for life; there were six such persons in the prison. Ministry of Health nurses in the various district health centers deal with persons with mental illness, and the General Hospital has a wing dedicated to caring for patients with mental illness.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation.

Although no statistics were available, anecdotal evidence suggested that societal discrimination against persons with HIV/AIDS occurred.

Section 6. Worker Rights

a. The Right of Association.—Workers exercised their legal right to form and join trade unions. Employers are not bound legally to recognize a union, but in practice employers did so if a majority of workers polled wished to organize. Approximately 10 percent of the workforce was unionized. The law permits the police, civil service, and other organizations to organize associations that serve as unions. The major labor union, the Saint Kitts Trades and Labour Union, was associated closely with the SKNLP and was active in all sectors of the economy. The Saint Kitts dock workers formed a new union late in the year.

The right to strike, while not specified by law, is well established and respected in practice. Restrictions on strikes by workers who provide essential services, such as the police and civil servants, were enforced by established practice and custom but not by law.

b. The Right to Organize and Bargain Collectively.—Labor unions have the legal right to organize and to negotiate better wages and benefits for union members, and the Government protected these rights in practice. A union that obtains membership of more than 50 percent of employees at a company can apply to be recognized by the employer for collective bargaining.

The law prohibits antiunion discrimination but does not require employers found guilty of such action to rehire employees fired for union activities. However, the employer must pay lost wages and severance pay to employees who worked at least one year, based upon their length of service.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The constitution prohibits slavery, servitude, and forced labor of children, and the Department of Labor effectively enforced this law in practice. There were no reported complaints of child labor during the year. The minimum legal working age is 16 years. The Department of Labor relied heavily on school truancy officers and the Community Affairs Division to monitor compliance, which they generally did effectively.

Juveniles worked in agriculture, domestic service, and illicit activities. In rural areas where families engaged in livestock farming and vegetable production, children often were required to assist as part of family efforts at subsistence. Girls often engaged in domestic service. Such labor included family-oriented work where children were made to look after younger siblings or ailing parents and grandparents at the expense of their schooling. Children often worked in other households as domestic servants or babysitters. In general society did not consider domestic work exploitive child labor.

e. Acceptable Conditions of Work.—The Government sets the minimum wage, which was increased in October to EC\$8.00 (\$3.00) an hour. The Ministry of Labor received tripartite input from the major labor union, private sector groups, and the Ministry of Finance, and the minimum wage was debated openly in parliament. Average wages were considerably higher than the minimum wage, which would not provide a decent standard of living for a worker and family. The Labor Commission undertook regular wage inspections and special investigations when it received complaints; it required employers found in violation to pay back wages.

The law provides for a 40- to 44-hour workweek, but the common practice was 40 hours in five days. Although not required by law, workers received at least one 24-hour rest period per week. The law provides for premium pay for work above the standard workweek. There was no legal prohibition of excessive or compulsory overtime, although local custom dictated that a worker could not be forced to work overtime.

While there are no specific health and safety regulations, the law provides general health and safety guidance to Department of Labor inspectors. The Labor Commission settles disputes over safety conditions. Workers have the right to report unsafe work environments without jeopardy to continued employment; inspectors then investigate such claims, and workers may leave such locations without jeopardy to their continued employment.

SAINT LUCIA

Saint Lucia is a multiparty, parliamentary democracy with a population of approximately 171,000. In generally free and fair elections in 2006, former prime minister Sir John Compton returned to power when his United Workers Party (UWP) defeated the previously ruling Saint Lucia Labour Party (SLP), winning 11 seats in the 17-member House of Assembly. In September 2007 Stephenson King was appointed prime minister following Compton's death. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in a few areas, primarily abuse of suspects and prisoners by the police, long delays in trials and sentencing, violence against women, and child abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed six persons during the year. The Criminal Investigations Department had investigations under way in all six cases at year's end.

On August 13, police shot and killed Timothy St Lucre of Bouton in what the family described as a case of mistaken identity. The family sued the police for "wrongful death," and the case was not settled by year's end.

At 4:00 a.m. on December 25, police shot and killed John Garvy Alcindor during an altercation when the police searched his bag after he was spotted setting off fire crackers. The police commissioner, the deputy prosecutor, and the minister of national security held a public meeting the day after the incident, pledged to investigate the case thoroughly, and stated that measures would be put in place to deal with "a few offending officers."

At year's end the director of public prosecutions (DPP) was considering the results of a police investigation into the September 2007 police shooting of Fitzroy Stanislaus, who bled to death shortly after.

Likewise the DPP still had pending the case of the 2006 police killing of 20-year-old Troy Jn Jacques. The 2006 manslaughter case against an officer who fired on a commuter bus, killing 70-year-old Maurison Flavius, was still pending in the courts.

On March 5, the DPP ruled that the 2006 police killing of escaped convict Perry Jules in a gun battle was justified.

There was no information available about the results of DPP consideration of the four police killings that occurred in 2005.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, prisoners and suspects regularly complained of physical abuse by police and prison officers.

In November police shot and injured Miguel Edwards, a 23-year-old unarmed man. Edwards claimed the plain clothes policemen never identified themselves. The police asserted that they shot him because he was a known criminal whom they suspected of engaging in robbery. Edwards denied the assertion; authorities never filed charges against him.

During the year citizens filed over 20 complaints against the police, most of which were for abuse of authority. Authorities only considered one of the complaints serious enough to warrant disciplining an officer. In that case, police suspended one officer for serious misconduct for throwing chemicals on a man arrested for drunk and disorderly conduct.

Investigation continued into the August 2007 incident in which members of the police Special Services Unit shot Andre Halls in the leg.

The case of an officer charged with harm and assault in the 2006 police shooting of a 17-year-old boy was still pending in the courts at year's end.

Prison and Detention Center Conditions.—Prison conditions generally met minimum international standards at the four-year-old Bordelais Correctional Facility, which had a capacity of 500 prisoners and held approximately that number. Some prisoners and family members complained about treatment of prisoners at the facility.

The Boys Training Center, a facility for boys charged with criminal offenses or suffering from domestic or other social problems, operated separately from the prison but conditions were substandard. The boys in the program normally stay for two years and receive vocational training while enrolled. Human rights monitors complained that the staff as well as older enrollees abused younger children at the center. The Government conducted an official inquiry into these allegations, the results of which were under review at year's end, including a recommendation to build a separate facility to shelter boys who were victims of domestic violence.

The Government permitted prison visits by independent human rights observers, but no such visits took place during the year.

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

In November authorities in the capital city of Castries conducted a roundup of presumed vagrants, arresting 63 homeless persons. Police, assisted by officers from the Special Services Unit, took those arrested to a facility behind city hall where they were forced to take showers and shave and were given clothing and food. Some civic activists condemned the raids, asserting that they were conducted in a humiliating manner, and noting that no attempt was made to provide alternative shelter for the homeless.

Role of the Police and Security Apparatus.—The Royal Saint Lucia Police numbered 826 officers, which included a Special Services Unit with some paramilitary training and a coast guard unit. The police force reports to the Ministry of Home Affairs and Internal Security, a portfolio held by the prime minister.

Although there was little definitive evidence, it was widely believed that corruption was pervasive in the police force.

In 2006 the Government contracted 10 senior police officers, one of whom served as acting police commissioner, from the United Kingdom to enhance intelligence capacity, develop capacity, and improve management processes. However, the role of the British officers became controversial because of negative public perceptions, and none of them remained in the country at the end of the year.

The police force's internal complaints unit, which consists of retired police officers, received and investigated complaints made by the public and sent its findings to the Police Complaints Commission, a civilian body. The commission reviewed the cases and made recommendations for internal disciplinary action, but human rights monitors considered the process ineffective, and the DPP's office stated that the commission had not made any recommendations for prosecution in several years.

Arrest and Detention.—The constitution stipulates that persons must be apprehended openly with warrants issued by a judicial authority and requires a court hearing within 72 hours of detention. Detainees were allowed prompt access to counsel and family. There is a functioning bail system.

Prolonged pretrial detention continued to be a problem; 150 of the prisoners at Bordelais Correctional Facility were on remand awaiting trial. Those charged with serious crimes spent an estimated six months to four years in pretrial detention.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The court system includes magistrate's courts and the High Court, both of which have civil and criminal jurisdiction. The lower courts accept civil claims up to EC\$5,000 (approximately \$1,850) and criminal cases generally classified as "petty." The High Court has unlimited authority in both civil and criminal cases. All cases may be appealed to the Eastern Caribbean Court of Appeal and to the Privy Council in the United Kingdom as the final court of appeal. A family court handles child custody, maintenance, support, domestic violence, juvenile affairs, and related matters.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials can be by jury, are public, and, in cases involving capital punishment, legal counsel is provided for those who cannot afford a defense attorney. Defendants are entitled to select their own representation, are presumed innocent until proven guilty in court, and have the right of appeal. Defendants have the right to confront or question witnesses.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In November 2007 Parliament repealed a section of the criminal code commonly referred to as the “spreading false news” clause. According to the previous prime minister, Kenny Anthony, even those who supported the law accepted that it was difficult to obtain a prosecution under it.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was largely available in homes, offices, and Internet cafes in urban areas; infrastructure limitations restricted Internet access in some villages.

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

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government continued a suspension of all applications for official registration by faith-based organizations while it revised its policy on registration. This moratorium affected the Muslim community, the Church of Jesus Christ of Latter-day Saints, and approximately 10 other organizations. While awaiting registration, religious groups had the freedom to meet and worship according to their beliefs.

Rastafarians continued to complain that the use of marijuana, an aspect of their religious ritual, was prohibited.

Societal Abuses and Discrimination.—Rastafarians complained of societal discrimination, especially in hiring and in schools. There was no organized Jewish community, and there were no reports of anti-Semitic acts. Some evangelicals allegedly criticized Catholics and mainline Protestants for adherence to “slave religions” and for not accepting a literal interpretation of the Bible.

The Muslim community, although small, was growing rapidly. Leaders reported that for the most part Muslims did not receive discriminatory treatment, but they also claimed that some recent converts to Islam hid their new religion from non-Muslim friends and family to avoid criticism and discrimination.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

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

Protection of Refugees.—The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and no formal government policy toward refugee or asylum requests existed. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Although no known cases occurred, the Government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In 2006 Sir John Compton's UWP defeated Kenny Anthony's SLP by winning 11 of 17 parliamentary seats. According to electoral observer missions from both the Organization of American States and the Caribbean Community, the elections were generally considered free and fair. Following Compton's death in September 2007, the governor general, in accordance with the constitution, appointed as prime minister Stephenson King, the person who commanded the majority in the House of Assembly.

Political parties could operate without restrictions.

There was one woman elected to the 17-seat House of Assembly, and the appointed speaker of the house was a woman. There were three women in the 11-member appointed Senate; one served as president of the Senate, and one served as the sole female member of the 14-person cabinet. The governor general was a woman.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. Recently, however, corruption became a serious issue, widely discussed by the media, the business community, and opposition politicians. Observers expressed concern that the country was moving backwards in terms of transparency and accountability.

Although there were no reports of government corruption during the year, authorities questioned Housing Minister Richard Frederick twice concerning alleged involvement in customs duty evasion that occurred before Frederick was in office. In November Frederick sued the Government; a court dismissed his lawsuit, but he appealed. At year's end, the controller of customs pursued the case but had filed no charges against Frederick.

In May a cabinet reshuffle brought several controversial ministers into the cabinet, and there were widespread reports that the new government ministers had engaged in corruption. There was also widespread concern that some members of the Government associated with known narcotics traffickers.

High-level government officials, including elected officials, are subject to annual disclosure of their financial assets to the Integrity Commission, a constitutionally established commission. The parliamentary commissioner, auditor general, and the Public Services Commission are government agencies established to help combat corruption. Parliament can also appoint a special committee to investigate specific allegations of corruption.

The law provides for public access to information, and parliamentary debates are open to the public. The Government Information Service disseminated public information on a daily basis, operated an extensive Web site, and published a number of official periodicals.

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

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

In February the Saint Lucia Non-State Actor's Panel was formed to bring together nongovernmental organizations (NGOs) and other civil society groups to pressure the Government on a wide range of issues, including economic concerns and human rights problems, particularly domestic violence.

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

The constitution prohibits discrimination, but there was no specific legislation addressing discrimination in employment or against persons with disabilities. However, government policy was nondiscriminatory in the areas of housing, jobs, education, and opportunity for advancement.

Women.—Rape, including spousal rape, is a crime punishable by 14 years' to life imprisonment. Police and courts enforced laws to protect women against rape, although many victims were reluctant to report cases of rape or to press charges. During the first six months of the year, police reported 39 cases of rape and 60 cases of statutory rape (victims under age 16). During the year the DPP's office received 15 sexual assault cases from police investigators, several of which went to trial, with two guilty verdicts. The DPP reported that sexual assault cases were a growing

problem, but that most cases were not prosecuted due to the reluctance of victims to press charges.

Violence against women was recognized as a serious problem. The Government prosecuted crimes of violence against women only when the victim pressed charges. The family court heard cases of domestic violence and crimes against women and children, and the Castries office filed over 100 cases by year's end (there was an additional family court in Vieux Fort).

The Ministry of Health Wellness, Family Affairs, National Mobilization, Human Services, and Gender Relations assisted victims. Most of the cases were referred to a counselor, and the police facilitated the issuance of court protection orders in some cases. Police caught and charged perpetrators in a number of domestic violence cases.

The police Vulnerable Persons Unit, designed to handle cases involving violence against women and children, increased police responsiveness to these cases. As a result the police reported a 24 percent increase in the reporting of sexual crimes against women and children during the first half of the year. This unit worked closely with the Family Court and the ministry's Gender Relations and Human Services Divisions.

The Gender Relations Division also ran the Women's Support Center, which provided shelter, counseling, residential services, a 24-hour hot line, and assistance in finding employment. The center assisted over 100 women and children and took over 100 calls during the year. Various NGOs, such as the Saint Lucia Crisis Center and the National Organization of Women (NOW), also provided counseling, referral, educational, and empowerment services. The crisis center assisted in cases of physical violence, incest, nonpayment of child support, alcohol and drug abuse, homelessness, custody, and visitation rights.

The Family Court can issue a protection order prohibiting an abuser from entering or remaining in the residence of a specified person. Occupation and tenancy orders provide certain residential rights to victims of domestic violence, such as rental payments and other protective orders. The Family Court employed full-time social workers who assisted victims of domestic violence.

On November 22, the Caribbean Association for Feminist Research and Action (CAFRA) and NOW organized a "just say no to violence" campaign, featuring speakers, presentations, and 30 silhouettes of women who recently lost their lives due to domestic violence. The rally was attended by representatives from women's organizations in Martinique, Guadalupe, and Dominica as well as Saint Lucia.

Prostitution is illegal, but it was a growing problem. Some underground strip clubs were fronts for prostitution and reportedly were owned by corrupt police officers. There were no arrests for prostitution during the year.

The criminal code prohibits sexual harassment, but it remained a problem. The Gender Relations Division continued an awareness program through which it provided training opportunities in workplaces and assisted establishments in creating policies and procedures on how to handle sexual harassment. As a result, most cases of sexual harassment were handled in the workplace rather than being prosecuted under the criminal code.

Women generally enjoyed equal rights, including in economic, family, property, and judicial matters. However, the fire chief refused to allow a female fire fighter, who completed a two-year training program and was ready to take the final exam, to take the test because she was pregnant. CAFRA took on the issue, arguing that the authorities can and should make reasonable accommodations to allow such persons to take the test, which was offered only once a year. Women's affairs were under the jurisdiction of the Gender Relations Division, whose parent ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children.—The Government was generally committed to children's rights and welfare, as indicated by its provisions for education and health care. However, there was insufficient assistance for abused or neglected children.

Child abuse remained a problem. The Division of Human Services and Family Affairs expected an increase in child abuse cases for the year compared with 2007, when there were reports of 106 cases of sexual abuse, 79 cases of physical abuse, 40 cases of abandonment, and 30 cases of psychological abuse.

Child sex abuse cases were very common, including one in which an 80-year-old man was caught in the act of raping a five-year-old girl. At year's end, police had yet to arrest the perpetrator, whom neighbors said was a well-known child abuser with many victims in the neighborhood.

There were few social welfare programs in the country, and the existing ones were overwhelmed. As a result, parents of sexually abused children sometimes declined

to press sexual assault charges against the abuser in exchange for financial contributions toward the welfare of victims of such abuse. Nonetheless, courts heard some child sexual abuse cases and convicted and sentenced offenders.

Investigation continued in a 2006 case of a 14-year-old girl repeatedly and severely abused by her police officer father and stepmother. The girl remained in her aunt's custody while authorities investigated her father and stepmother.

The human services division provided a number of services to victims of child abuse, including counseling, facilitating medical intervention, finding foster care, providing family support services, and supporting the child while working with the police and attending court. The division was also involved with public outreach in schools, church organizations, and community groups.

CAFRA operated a hot line for families suffering from different forms of abuse; however, there was no shelter for abused children, resulting in the return of many children to the homes in which they were abused. Through the hot line, CAFRA learned of various cases of sexual abuse that were never reported to the police. The Government did not provide funding for foster care and few families were willing to take in foster children.

Although there was little evidence of formalized child prostitution, transactional sex with minors was a common occurrence.

The Catholic Church operated the Holy Family Home for abused and abandoned children, with space for up to 40 children who were referred to the center by the police or social workers.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, and there were reports that persons were trafficked to, from, and within the country.

There were reports that some women from Saint Lucia were trafficked to Saint Marten and Barbados, and that women from the Dominican Republic, Colombia, Venezuela, Brazil and some Eastern European countries were trafficked to Saint Lucia, where they worked at strip clubs and brothels. There were reports that police owned many of these clubs, particularly in Rodney Bay, and that women who fled the brothels were sometimes returned to them by police.

Although there are laws prohibiting slavery, forced labor, forced imprisonment, and kidnapping that could be used to prosecute alleged traffickers, there were no reports of such prosecutions during the year. The Government established a National Coalition against Trafficking in Persons consisting of the Gender Relations Division, the Human Services Division, the police, and the Immigration Service. Lack of funding hampered the coalition's efforts to detect and investigate cases of trafficking and to protect victims.

In December the International Office for Migration held a three-day seminar on Capacity Building to Manage Migration in the Caribbean, which focused on trafficking in persons.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—No specific legislation protects the rights of persons with disabilities or mandates provision of government services for them. The Government is obliged to provide disabled access to all public buildings, but only a few government buildings had ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the health ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and the blind up to the secondary level. There were a few isolated cases of persons with disabilities holding jobs, including one blind bank teller, but a recent blind graduate from the local community college was not able to secure employment. There also was a school for persons with mental disabilities; however, children with disabilities faced barriers in education and there were few opportunities for such persons when they became adults.

The existing state-operated mental health facility is a century old building that will be decommissioned once a new state-of-the-art mental health facility is completed. There are no other mental health facilities on the island, and mentally ill persons were not generally provided much care. There were only four mental health social workers who had an average of over 100 cases each.

Other Societal Abuses and Discrimination.—There was widespread social discrimination against homosexuals in the deeply conservative, highly religious society. There were few openly gay people in the country. There were at least two cases of violence against homosexuals, including one young man who was killed when he was hung from a tree because he was openly gay.

There was widespread stigma and discrimination against persons infected with HIV/AIDS, although the Government implemented several programs to address this

issue, including a five-year program to combat HIV/AIDS. The UN Population Fund also provided support for youth-oriented HIV/AIDS prevention programs. An HIV-positive woman who worked for the Government quit in protest over demeaning conditions in the workplace after her supervisor mandated that she use the restroom at specific times only, after which staff would clean the restroom.

Section 6. Worker Rights

a. The Right of Association.—The law specifies the right of workers to form or belong to trade unions under the broader rubric of the right of association. Most public sector employees and approximately 25 percent of the total work force were unionized.

Unions have a right to strike, and workers exercised that right. However, the law prohibits members of the police and fire departments from striking on the grounds that these professions were “essential services.” Workers in other essential services—water and sewer authority workers, electric utility workers, nurses, and doctors—must give 30 days’ notice before striking.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government generally protected this right. Collective bargaining is protected by law and was freely practiced.

The law does not prohibit antiunion discrimination, and workers fired for union activity did not have the right to reinstatement. In practice many companies were openly antiunion, and one company threatened to close if a union won recognition. When the union representatives tried to organize the employees, the company closed for two weeks and when it reopened, all the workers who had sought to join the union renounced those views and demanded their union dues back, which the union refused.

The labor law is applicable in the export processing zones, and there were no administrative or legal impediments to union organizing or collective bargaining in those zones; however, there were no unions registered in them.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for a minimum legal working age of 16 years. The minimum legal working age for industrial work is 18 years. Child labor existed to some degree in the rural areas, primarily where school-age children helped harvest bananas from family trees. Children also typically worked in urban food stalls or sold confectionery on sidewalks on nonschool days and during festivals. The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives was responsible for enforcing statutes regulating child labor. Employer penalties for violating the child labor laws were EC\$9.60 (\$3.55) for a first offense and EC\$24 (\$8.88) for a second offense. There were no formal reports of violations of child labor laws.

e. Acceptable Conditions of Work.—Minimum wage regulations in effect since 1985 set wages for a limited number of occupations. The minimum monthly wage for office clerks was EC\$300 (\$111), for shop assistants EC\$200 (\$74), and for messengers EC\$160 (\$59). The Government recognized that the minimum wage law was outdated and sought to meet with tripartite social partners to discuss it, but the matter was not resolved by year’s end. The minimum wage did not provide a decent standard of living for a worker and family, but most categories of workers received much higher wages based on prevailing market conditions. However, a number of smaller establishments paid less than the minimum wage, and Haitians and others often received less than minimum wage.

The labor commissioner is charged with monitoring violations of labor law, including the minimum wage. There were three compliance officers to cover the entire country and to monitor compliance with occupational and safety standards, and pension standards as well as minimum wage violations. In practice there were few reported violations as those who received less than the minimum wage were often in the country illegally and afraid of reprisals including possible deportation. Labor unions did not routinely report such violations.

The legislated workweek is 41 hours, although the common practice was to work 40 hours in five days. Special legislation covers work hours for shop assistants, agricultural workers, domestics, and persons in industrial establishments.

While occupational health and safety regulations were relatively well developed, there was only one qualified inspector for the entire country. The ministry enforced the act through threat of closure of the business if it discovered violations and the violator did not correct them. However, actual closures rarely occurred because of

lack of staff and resources. Workers had the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

SAINT VINCENT AND THE GRENADINES

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy with a population of approximately 118,400. In 2005 Prime Minister Ralph Gonsalves' Unity Labour Party (ULP) was returned to office in elections that international observers assessed as generally free and fair. Civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, there were problems in a few areas, primarily impunity for police who used excessive force, poor prison conditions, abuse of official position by government officials to circumvent the judicial process, an overburdened court system, violence against women, and abuse of children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The Government did not provide any information about the results of the investigation into the September 2007 killing by security forces of two Venezuelan nationals, Matias Dominquez and Alexis Munoz, or about any coroner's ruling in the 2005 police shootings of Selwyn Moses and Joel Williams.

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

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

Although the law prohibits such practices, the nongovernmental organization (NGO) St. Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that many confessions resulted from unwarranted police practices, including the use of physical force during detention. The SVGHRA complained that the Government failed to investigate adequately allegations of abuse or punish those police officers responsible for such abuses.

On November 17, two teenagers, Jemark Jackson and Kemron McDowald, claimed police officers beat them with a hose and the butt of a rifle and kicked them in the stomach and chest. Both required medical attention after their release from custody, and Jackson, who stated that he was hit so hard in the head his ear began to bleed, was hospitalized for seven days. The incident was under investigation at year's end.

Police officers investigated all complaints from citizens about assault or other abuse by the police and submitted their findings to the police commissioner. The Government did not provide any information about the disposition of such complaints or any disciplinary charges or other actions taken.

The Government did not provide any information about the referral to the Department of Public Prosecution of a well-known calypso singer's claim that a constable slapped him on the face in 2007.

*Prison and Detention Center Conditions.—*Prison conditions remained poor. Prison buildings, built in 1872, were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 399 inmates in a building intended to hold approximately 150 inmates, a situation that created serious health and safety problems.

The SVGHRA reported that prison problems such as endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, increasing incidence of HIV/AIDS, and unhygienic conditions persisted. Corrupt prison staff commonly served as a source of drugs, weapons, and cell phones. The SVGHRA also alleged that guards routinely beat prisoners to extract information regarding escapes, violence, and crime committed in the prison.

The Fort Charlotte Prison held 11 female inmates in a separate section designed to hold 50 inmates, but conditions were antiquated and unhygienic. Pretrial detainees and young offenders (16 to 21 years of age) were held with convicted prisoners.

Conditions were inadequate for juvenile offenders. Boys younger than 16 were held at the Liberty Lodge Boys' Training Center, which takes in boys who can no longer stay at home due to domestic problems or involvement with criminal activity. Most of the 28 boys were at the center because of domestic problems, and only a small number were charged with committing a crime.

The Government permitted prison visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, complaints continued regarding police practices in bringing cases to court.

Role of the Police and Security Apparatus.—The Royal Saint Vincent and the Grenadines Police, the only security force in the country, includes a coast guard, a small Special Services Unit with some paramilitary training, and the fire service. There were approximately 850 members of the police force. The police report to the minister of national security, a portfolio held by the prime minister.

The Government operated an oversight committee to monitor police activity and hear public complaints about police misconduct. The committee reported to the minister of national security and to the minister of legal affairs and actively participated in investigations during the year.

Arrest and Detention.—The law requires judicial authority to issue arrest warrants. Police apprehended persons openly, and detainees may seek judicial determinations of their status after 48 hours if not already provided. The bail system functioned and was generally effective. A local human rights group reported that most detainees were given prompt access to counsel and family members, although in some instances delays occurred.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of lower courts and the High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There were three official magistrates; in addition the registrar of the High Court has the authority to sit as a magistrate if called upon. The chief magistrate also served as president of the family court, which handled criminal cases for minors up to age 16.

On January 1, a female police constable, Michele Andrews, accused Prime Minister Gonsalves of raping her while she was on duty at his official residence. Shortly after the accusations, the director of public prosecutions (DPP) discontinued the case. The prime minister, in his capacity as minister of legal affairs, had direct influence over the case and the DPP's decision. The victim's lawyers appealed the discontinuation to the High Court and to the Eastern Caribbean Court of Appeal, but both appeals were denied. The victim's lawyers then petitioned the family court to issue a summons against Gonsalves for indecent assault and rape. Two weeks later the victim changed her lawyers and dropped all accusations. Shortly after the case became public, Margaret Parsons, a Canadian originally from Saint Vincent, alleged that in 2003 Prime Minister Gonsalves attacked her and attempted to rape her. A sexual assault charge was filed on behalf of Parsons; however, two weeks later the DPP again discontinued the case and a High Court justice refused permission for the lawyers to seek a judicial review.

Trial Procedures.—The law provides for fair, public trials, and an independent judiciary generally enforced this right. Juries are used at the High Court level for criminal matters but are not used for civil court or crimes at the magistrate level. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants are presumed innocent until proven guilty, may confront and question witnesses, may appeal verdicts and penalties, and have access to relevant government-held evidence once a case reaches the trial stage. Lengthy delays occurred in preliminary inquiries for serious crimes. A backlog of pending cases continued because the magistrate's court in Kingstown lacked a full complement of magistrates.

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

Civil Judicial Procedures and Remedies.—There is an independent, impartial judiciary in civil matters where one can bring lawsuits seeking damages for a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without restriction. However, there continued to be many accounts of the prime minister or other officials rebuking the press for comments critical of the Government.

A radio station, Nice Radio, broadcast an interview in which the prime minister was accused of using his authority to cover up rape allegations against him. In April a lawyer representing the prime minister contacted Nice Radio and instructed station management to apologize or face legal action. Station management refused, and the Government went forward with its lawsuit. Nice Radio frequently criticized the Gonsalves administration, and management believed the lawsuit was an attempt to shut it down.

In November Prime Minister Gonsalves sued and won an EC\$430,000 (\$160,000) defamation of character settlement against radio host Eduardo "E.J." Lynch, who had accused the prime minister of using government funds to pay for a trip to Rome for his family.

On December 21, the superintendent of police instructed Jeff Trotman, a newspaper journalist who was taking pictures of a burning building from 20 feet behind police barriers, to cease taking pictures. When Trotman refused, police arrested him and held him for five hours without charges. The case was under investigation at year's end.

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

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

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

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

Societal Abuses and Discrimination.—Rastafarians complained of discrimination against their members, especially in hiring and in schools.

There was no organized Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law prohibits forced exile, and it was not used.

Protection of Refugees.—Although the country is a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a system for providing protection to refugees or asylum seekers. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened but did not grant refugee status or asylum.

The Government repatriated several Nepalese nationals brought to the country with the promise of work permits in Canada and the United States.

The Government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation.—In 2005 the ruling ULP was returned to office in elections that international observers declared to be generally free and fair.

There were two women in the 15-seat House of Assembly and three women in the cabinet. There was one woman among the six appointed senators, who also served as deputy speaker.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not always enforce these laws effec-

tively and corruption remained a moderate problem. There was anecdotal evidence of corruption and nepotism in government contracting.

There were no financial disclosure laws for public officials. No government agency was specifically responsible for combating government corruption.

The law provides for public access to information, and the Government provided such access in practice.

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

There were no restrictions on international human rights groups, but none were known to have expressed interest in or concern about the country during the year. A domestic human rights group, the SVGHRA, generally operated without government restriction, investigating and publishing its findings on human rights cases, particularly with respect to treatment of prisoners. Government officials generally were responsive, but the SVGHRA reported that its complaints regarding allegations of police brutality typically received perfunctory responses from the Government. Other advocacy groups, particularly those involved with protection against domestic violence and child abuse, worked closely with their corresponding government offices.

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

The law provides for equal treatment regardless of race or gender, and the Government generally enforced this provision in practice.

Women.—Rape, including spousal rape, is illegal, and the Government generally enforced the law. Depending on the magnitude of the offense and the age of the victim, sentences for rape could be eight to 10 years' imprisonment. The possible sentence of life imprisonment was very rarely used. The Government did not provide any statistical information about prosecutions and convictions for rape during the year (information about the allegations brought against the prime minister were obtained from nongovernmental sources).

Violence against women remained a serious problem. The law does not criminalize domestic violence specifically but provides protection for victims. Cases involving domestic violence were normally charged under assault, battery, or other similar laws. The SVGHRA reported that, in many instances, domestic violence went unpunished due to a culture in which victims choose not to seek assistance from the police or the prosecution of offenders. Furthermore, a number of victims decided not to press charges once domestic tensions cool down after having already complained to the police. For this reason police were often reluctant to follow up on domestic violence cases.

The Gender Affairs Division of the Ministry of National Mobilization, Social Development, NGO Relations, Family, Gender Affairs, and Persons with Disabilities provided a referral and information service for domestic violence victims, educating victims on the role of the police, legal matters, and the family court in dealing with domestic violence, as well as possible assistance from various NGOs. The Marion House provided counseling to victims of abuse. The SVGHRA and other organizations conducted numerous seminars and workshops to familiarize women with their rights. Development banks provided funding through the Caribbean Association for Feminist Research and Action for a program on domestic violence prevention, training, and intervention. Police received training on domestic abuse, emphasizing the need to file reports and, if there was sufficient evidence, to initiate court proceedings. To counter the social pressure on victims to drop charges, some courts imposed fines against persons who brought charges but did not testify.

Although prostitution is illegal, a local human rights group reported that it remained a problem among young women and teenagers.

The law does not specifically prohibit sexual harassment, although it could be prosecuted under existing laws. A local human rights group considered these laws ineffective.

Women enjoyed the same legal rights as men. Women received an equitable share of property following separation or divorce. The Gender Affairs Division assisted the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Children.—The Government was committed to children's rights and welfare; however, child abuse remained a problem.

The law provides a limited legal framework for the protection of children, and the Family Services Division of the Social Development Ministry monitored and protected the welfare of children. The division referred all reports of child abuse to the

police for action and provided assistance in cases where children applied for protection orders with the family court.

Trafficking in Persons.—The law does not address trafficking in persons specifically, nor does the Government have any specific programs to do so.

Several Nepalese nationals were trafficked to the country with the promise of work permits in Canada and the United States, but the Government returned them all to Nepal. There were no other reports that persons were trafficked to, from, within, or through the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and the Government generally observed these prohibitions. The law does not mandate access to buildings for persons with disabilities, and access for such persons generally was difficult. Most persons with severe disabilities rarely left their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supported a school for persons with disabilities. A separate rehabilitation center treated approximately five persons daily. The Social Development Ministry is responsible for assisting persons with disabilities.

Other Societal Abuses and Discrimination.—There are no laws that prohibit discrimination against a person on the basis of sexual orientation.

Although no statistics were available, anecdotal evidence suggested there was some societal discrimination against homosexuals and persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers exercised the legal right to form and join unions; however, no law requires employers to recognize unions. Approximately 11 percent of the work force was unionized.

While the organized unions generally maintained good relations with the Government, opposition leaders and businessmen privately complained that the ruling party selected and promoted union leaders who were loyal to the Government. Union membership and the number of actions taken dropped during the year.

The law provides for the right to strike, and workers exercised this right in practice; however, the Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking.

b. The Right to Organize and Bargain Collectively.—The law permits unions to organize and bargain collectively, and the Government protected these rights in practice; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. The law provides that if both parties to a dispute consent to arbitration, the minister of labor can appoint an arbitration committee from the private sector to hear the matter.

The law protects workers from summary dismissal without compensation and provides for reinstatement or severance pay if unfairly dismissed. It also protects workers from dismissal for engaging in union activities and provides them with reinstatement rights if illegally dismissed.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum working age at 16, and workers may receive a national insurance card at that age. The Ministry of Labor monitored and enforced this provision, and employers generally respected it in practice. There were five labor officers in the labor inspectorate with responsibility for monitoring all labor issues and complaints. The ministry reported no child labor problems. The only known child labor was work on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The Government operated Youth Empowerment, which provided training and increased job opportunities by employing young persons in government ministries for up to one year.

e. Acceptable Conditions of Work.—The process of setting the minimum wage is tripartite and transparent, but the Wages Council, which is supposed to meet every two years to review minimum wages, last met in 2003. Minimum wages vary by sector and type of work and are specified for several skilled categories. In agriculture the minimum wage for workers provided shelter was EC\$25 (\$9.26) per day; for in-

dustrial workers it was EC\$30 (\$11.11) per day. In many sectors, the minimum wage did not provide a decent standard of living for a worker and family, but most workers earned more than the minimum.

The law prescribes hours of work according to category, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides that workers receive time-and-a-half for hours worked over the standard workweek. There was a prohibition against excessive or compulsory overtime, which was effectively enforced in practice.

Legislation concerning occupational safety and health was outdated, and enforcement of regulations was ineffective. The law does not address specifically whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, but it stipulates conditions under which factories must be maintained. Failure to comply with these regulations would constitute a breach, which might cover a worker who refused to work under these conditions.

SURINAME

Suriname is a constitutional democracy, with a president elected by the unicameral legislature or by the larger United People's Assembly. The population is approximately 493,000. After generally free and fair elections in 2005, the New Front Plus government, was formed. In August 2005 the United People's Assembly re-elected Ronald Venetiaan as president. Civilian authorities generally maintained effective control of the security forces.

While the Government generally respected the human rights of its citizens, there were problems in some areas, including police mistreatment of detainees at the time of arrest; abuse of prisoners by guards; overcrowded detention facilities; an overwhelmed judiciary with a large case backlog; lengthy pretrial detention; self censorship by some media; corruption in the Government; societal discrimination against women, minorities, and indigenous people; violence against women; trafficking in women, girls, and boys; and child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed two persons during the year.

On August 1, police shot and killed Chaniel Burleson, a detainee who escaped a pretrial detention cell in May while awaiting trial on charges of murder and armed robbery. An internal affairs investigation continued at year's end.

On October 9, police shot and killed an armed-robbery suspect. The investigation into the case continued at year's end.

An internal investigation continued into the July 2007 killing of Andy Aroma.

In July the Government unveiled a memorial in remembrance of the victims of the 1986 massacre of 39 Moiwana residents. The construction of the houses in the Moiwana village, as mandated by the Inter-American Court's ruling, continued.

The trial of former military head of state Desi Bouterse and his codefendants for the 1982 extrajudicial killings of 15 political opponents continued at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, human rights groups and the media continued to express concern about mistreatment by police and prison officials, and they documented cases of police mistreatment of detainees, particularly during arrests, and abuse of prisoners by prison officials.

On October 8, a mob attacked a murder suspect and beat him severely before the police could apprehend him. After he was taken to the police station, the 500 person mob attacked the police station. The military was called in to defend the police station, and the suspect was taken by helicopter to Paramaribo, the capital city.

In November a judge acquitted deputy police inspector Omar Terborg and five other police officers charged in 2007 for using excessive force against detainees as punishment for attempting to escape a prison detention cell.

Prison and Detention Center Conditions.—Prison conditions were poor. There are three prisons, including one in Santoboma, which held female and male prisoners separately. There are also several smaller jails, or temporary detention centers, in

most police stations throughout the country. Most facilities, particularly older jails, remained unsanitary and seriously overcrowded, with occupancy as much as quadruple the facility's designed capacity.

Violence among prisoners was common, and prisoners continued to complain of mistreatment by guards.

In June a judge acquitted eight prison officers of all charges in the 2006 killing of an inmate.

Human rights organizations expressed concern about conditions in pretrial detention facilities, which remained overcrowded. Growing numbers of convicted prisoners were held in detention cells due to prison overcrowding. Because of staff shortages, police officers rarely permitted detainees to leave their cells. Detainees and human rights groups also alleged that meals were inadequate.

Conditions in the women's jail and prison facilities were generally better than those in the men's facilities. Following conviction, girls under age 18 were held in the women's detention center and in the women's section of one of the prison complexes.

There is one juvenile detention facility, Opa Doeli, for boys and girls under the age of 18; this facility, located in Paramaribo, was considered adequate and provided educational and recreational facilities. A separate wing of that prison held boys under age 18 convicted of serious crimes.

The Government permitted visits by independent human rights observers. Allied Collective, a local human rights organization focused primarily on legal issues, noted that in general it had access to prisoners but did not always receive cooperation from prison officials on routine matters. The Welzijns Institute Nickerie, a non-governmental organization (NGO) operating in the western district of Nickerie, visited and provided counseling for detainees in the youth detention center in that district. The institute also started a program to train prison officers to counsel detainees.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Due to a shortage of judges, prisoners who appealed their cases often served their full sentences before the lengthy appeals process could be completed.

Role of the Police and Security Apparatus.—The armed forces are responsible for national security and border control, with the military police having direct responsibility for immigration control at the country's ports of entry. All elements of the military are under the control of the Ministry of Defense. Civilian police bear primary responsibility for the maintenance of law and order and report to the Ministry of Justice and Police. The Personnel Investigation Department (OPZ) is an office within the Police Department that conducts investigations into complaints of police abuses. Police effectiveness was hampered by a lack of equipment and training, low salaries, and poor coordination with other law enforcement agencies. The police and military continued joint operations.

Corruption remained a problem, and senior police officers met monthly with the Attorney General's Office to review corruption and other cases against the police.

The OPZ reported that through September, authorities disciplined 17 officers for various offenses; nine of whom were jailed, including five for seriously neglecting their duties, three for grievous bodily harm, and one on narcotics charges. During the year 24 police officers, 12 of whom were taken into custody, lost their commissions for various offenses.

Arrest and Detention.—Individuals were apprehended with warrants and were promptly informed of the charges against them. The police may detain for up to 14 days a person suspected of committing a crime if the sentence for that crime is longer than four years, and an assistant district attorney or a police inspector may authorize incommunicado detention. The police must bring the accused before a prosecutor to be charged formally in that period, but if additional time is needed to investigate the charge, a prosecutor and, later, a judge of instruction may extend the detention period an additional 150 days. There is no bail system. Detainees were allowed prompt access to counsel of their choosing, but the prosecutor may prohibit access if he thinks that this could harm the investigation. Detainees were allowed weekly visits from family members.

The average length of pretrial detention was 30 to 45 days for lesser crimes. Detainees were held in 23 overcrowded detention cells at police stations throughout the country. In accordance with the law, the courts freed most detainees who were not tried within the 164 day period. According to human rights monitors, such factors as a shortage of judges, large case loads, and large numbers of detainees caused trial delays.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, disputes over the appointment of judges undermined the independence of the judiciary. The attorney general and the president of the Court of Justice are appointed for life.

The judicial system consists of three lower courts, two specialized courts, and the Court of Justice as an appeals court. A military court system operates in cooperation with the civilian judicial system.

While the Ministry of Justice and Police sought to improve the functioning of the court system, a shortage of judges significantly hampered both civilian and military courts. At year's end there were 14 sitting judges in the country; during the year four new judges were installed, one retired but was later reinstalled, and the president of the Court of Justice retired. Recognizing the need for judges, the ministry initiated an active system of training for judges.

Other problems the judiciary faced included financial dependence on the Ministry of Justice and Police (and hence the executive branch), lack of professional court managers and case management systems to oversee the courts' administrative functions, and lack of physical space. These contributed to a significant case backlog. The courts required a minimum of six months to process criminal cases.

Trial Procedures.—The law provides for the right to a fair, public trial in which defendants have the right to counsel, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence and have the right to appeal their verdict. Defendants' lawyers can question witnesses. There is no jury system. The courts assign private sector lawyers to defend indigent detainees, paying the costs from public funds. There were approximately 13 court assigned lawyers, for both the civil and the penal system. Unlike in previous years, human rights organizations did not complain about court assigned lawyers not appearing for trial. Defendants can question witnesses against them and also have the right to present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence. The law extends the above rights to all citizens.

Military personnel generally are not subject to civilian criminal law. A member of the armed forces accused of a crime immediately comes under military jurisdiction, and military police are responsible for all such investigations. Military prosecutions are directed by an officer on the public prosecutor's staff and take place in separate courts before two military judges and one civilian judge. Due to the shortage of judges, military and civilian judges are selected from the same pool by the Court of Justice, which makes assignments to specific cases. A mechanism exists to prevent conflicts of interest. The military courts follow the same rules of procedure as the civil courts. There is no appeal from the military to the civil system.

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

Civil Judicial Procedures and Remedies.—Although there are separate procedures for civil processes, the same pool of judges is responsible for presiding over these procedures. There is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. However, the shortage of judges impeded this process; most civil cases were resolved approximately three to four years after being heard by the courts.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. The law requires search warrants, which are issued by quasi judicial officers who supervise criminal investigations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Some media members continued to practice occasional self censorship. This was due to a history of intimidation and reprisals by certain elements of the former military leadership or response to pressure applied by senior government officials and important community leaders on journalists who published negative stories about the administration.

On January 9, a journalist writing for a local daily, the Times of Suriname, alleged that a member of the Police Arrest Team seized her camera after taking pictures of a police officer kicking a suspect during a raid. Police allegedly deleted her pictures before returning the camera to her the next day.

There were instances where some government ministers and government officials threatened libel actions against newspapers.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. The Telecommunication Authority estimated that 11 percent of households had direct Internet access. Although there were 162 registered Internet chat rooms in the capital city and the districts, the population in the interior did not have equal access to the Internet due to infrastructural limitations.

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

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. There was a declared Jewish community of approximately 150 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Although the law does not address exile, it was not used in practice.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. Under special circumstances, persons may be granted refugee status, and in practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

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

Elections and Political Participation.—The constitution provides for direct election by secret ballot of the 51 member National Assembly every five years. The National Assembly in turn elects the president by a two thirds majority vote. If the legislature is unable to do so, the constitution provides that the United People's Assembly, composed of members of parliament and elected regional and local officials, shall elect the president. After generally free and fair elections in May 2005, the United People's Assembly reelected incumbent Ronald Venetiaan as president in August 2005. Political parties could operate without restriction or outside interference.

Historical and cultural factors, as well as societal pressures and customs, especially in rural areas, particularly with respect to marriage and inheritance, inhibited equal participation by women in leadership positions in government and political parties. While women made limited gains in attaining political power, men continued to dominate political life. There were 13 women in the National Assembly and three women in the cabinet. During the year four women were sworn in as judges, increasing to five the number of female judges. The head clerk of the Court of Justice, that body's highest administrative position, was a woman.

Several factors traditionally limited the participation of indigenous Amerindians and Maroons descendants of escaped slaves who fled to the interior to avoid recapture in the political process, particularly the fact their populations were concentrated in remote areas in the interior, removed from the country's centers of political activity. There was one Amerindian and three Maroon political parties, and voters elected eight Maroons and one Amerindian to the National Assembly. The opportunity for Maroons to participate in the political process increased when the three Maroon parties formed a coalition (A-Combinatie) for the 2005 election and became part of the governing coalition. A-Combinatie remained active during the

year, with three Maroons in the cabinet and several others in decision-making positions.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government was not able to implement the law effectively. Public allegations and some cases indicated that officials at times engaged in corrupt practices with impunity or that long delays occurred before such cases were brought to trial. The World Bank's worldwide governance indicators reflected that government corruption was a problem. A shortage of police personnel continued to hamper police investigations of fraud cases.

There was no legislation regarding public disclosure laws. Various sections of the Ministry of Justice and Police, including the Fraud Police and the Attorney General's Office, were responsible for combating government corruption.

On August 13, the deputy secretary of the Ministry of Agriculture, Animal Husbandry, and Fisheries, John Debipersad, was convicted and sentenced to one year's imprisonment on charges of forgery and fraud. Debipersad was found guilty of granting fishing permits when he did not have the authority to do so.

On May 13, a judge convicted seven persons for the August 2007 embezzlement of SRD 6.1 million (approximately \$2.1 million) at the Ministry of Finance. Individuals were sentenced to jail terms ranging from five months to three years and ordered to pay additional fines and repay the money they wrongfully took.

The media frequently reported alleged corrupt practices with regard to the acquisition of land by one of the political parties in the governing coalition.

Although the law provides for public access to government information, such access was limited in practice for citizens and noncitizens, including foreign media. While almost every ministry has an information service, onerous bureaucratic hurdles made obtaining information very difficult.

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

A number of independent domestic human rights groups, such as the Organization for Justice and Peace, the Know Your Rights Foundation, Allied Collective, and Moiwana generally operated without government restriction, investigating and publishing their findings on human rights cases. On occasion the Government met with NGOs to discuss their complaints, but, according to one local NGO, officials were sometimes not cooperative or responsive to their views. No international human rights groups operated in the country during the year.

A parliamentary commission on human rights continued operating throughout the year, but resource constraints hampered its effectiveness. Parliament also has a commission dealing with women's and children's rights.

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

The law prohibits discrimination based on race and ethnicity but does not address discrimination based on disability, language, or social status. While the law does not specifically prohibit gender discrimination, it provides for protection of women's rights to equal access to education, employment, and property. In practice various sectors of the population, such as women, Maroons, Amerindians, persons with HIV/AIDS, and homosexuals, suffered various forms of discrimination.

Women.—The law prohibits rape but does not address spousal rape. The maximum penalty for rape or forcible sexual assault is 12 years' imprisonment. Rape statistics were not readily available, and adult rapes were rarely reported in the media.

Violence against women was a common problem, which the Government did not address specifically. The law does not differentiate between domestic violence and other forms of assault. During the year the Nieuwe Haven Police Unit for Domestic Abuse, the most active such unit in the country, reported 191 cases of abuse. An NGO driven network, including police units, continued working to combat domestic violence. There were four victims' rooms in police stations in Paramaribo and in Nickerie, and police units were trained in dealing with victims and perpetrators of sexual crimes and domestic violence. There was a shelter organized by an NGO for victims of domestic violence.

Although the law prohibits sexual exploitation, including prostitution, in practice prostitution was tolerated. Concerns about the link between prostitution and trafficking in persons resulted in police raids on brothels and arrests of several prostitutes. Poverty continued to put young women at risk of becoming exploited for commercial sex. The presence of large groups of illegal workers in the gold mining sector in the interior drew young Maroon women and girls into commercial sexual exploitation. Police allowed many brothels to operate but made bimonthly checks on these establishments to monitor if women were being abused, held against their

will, or having their passports retained by brothel owners to ensure fulfillment of work contract obligations.

While there was no specific legislation on sexual harassment, prosecutors could cite various Penal Code articles in filing sexual harassment cases.

Women have the legal right to equal access to education, employment, and property; nevertheless, societal pressures and customs, especially in rural areas, inhibited their full exercise of these rights, particularly with respect to marriage and inheritance. Societal pressures on families to have their daughters married at or near the legal age of marital consent frequently interfered with these girls' education and resulted in the direct passage of all property the women would have inherited from their parents to their husbands and parents in law in accordance with these customs.

Men and women generally enjoyed the same rights under property law and under the judicial system. The Ministry of Justice and Police instituted a special office, the Bureau for Women and Children, to ensure the legal rights of women and children.

Women experienced discrimination in access to employment and in rates of pay for the same or substantially similar work. The Government did not make specific efforts to combat economic discrimination.

The National Women's Movement, the most active women's rights NGO, continued assisting women in launching small home based businesses, such as sewing and vegetable growing, and provided general legal help. The Women's Business Group advocated for business opportunities for women, while the Women's Parliament Forum advocated for opportunities in the public sector. Stop Violence against Women provided assistance to victims of domestic violence, including legal help with dissolving an abusive marriage. The Maxi Linder Foundation worked with prostitutes, including women and children who were victims of trafficking, and conducted outreach and informational sessions to inform victims about their rights. Resource constraints continued to limit the effectiveness of these groups.

Children.—The Government allocated limited resources to ensure safeguards for the human rights and welfare of children. Schooling is compulsory until 12 years of age; however, in practice some school age children, particularly in the interior, did not have access to education due to a lack of transportation, building facilities, or teachers. Although school attendance was free through university level, most public schools imposed a nominal enrollment fee, ranging from SRD 25 to SRD 115 (approximately \$9 to \$40) a year to cover costs. Approximately 85 percent of children in cities, but as few as 50 percent of children in the interior, attended school. Most children attended school through middle school (age 16).

Physical and sexual abuse of children continued to be a problem. During the year police received reports of 338 cases of sexual abuse of children. The police Youth Affairs Office conducted three visits per week to different schools in the capital and the surrounding areas on a rotating schedule to provide outreach and raise awareness about child abuse and to solicit and investigate complaints. The Youth Affairs Office also raised awareness about sexual abuse, drugs, and alcohol through a weekly television program.

According to one study, more than 80 percent of the children in Paramaribo, and an even greater percentage elsewhere, were exposed to violence. An estimated 10 percent of the victims developed post-traumatic stress syndrome as a result of serious mental and physical damage; in most cases victims lacked professional assistance from the Government, according to research conducted in 2006 on behalf of the Ministry of Social Affairs and the UN Children's Fund (UNICEF).

On May 8, a judge convicted the principal of a special needs school in Nickerie to three years' imprisonment for sexually abusing 13 of his pupils for two years.

In August a judge sentenced a child care director to eight years' imprisonment for sexually abusing eight children at a shelter for homeless children in January 2007.

Various laws were used to prosecute perpetrators of sexual harassment, and several cases of sexual abuse against minors came to trial. Sentences averaged three years in prison. In the capital there were several orphanages and one privately funded shelter for sexually abused children.

While the legal age of sexual consent is 14, it was not enforced effectively. The marriage law sets the age of marital consent at 15 for girls and 17 for boys, provided parents of the parties agree to the marriage. Parental permission to marry is required up to age 21. The law also mandates the presence of a Civil Registry official to register all marriages.

Trafficking and commercial sexual exploitation of minors remained a problem. According to the Mamio Namen Project Foundation, an NGO working to assist HIV infected persons, increased sex tourism led to continued sexual exploitation of chil-

dren, with a marked increase in the exploitation of young boys. Two NGOs provided shelters for homeless boys.

UNICEF continued cooperating with the Government in providing training to officials from various ministries dealing with children and children's rights. UNICEF coordinated its activities with the Bureau for Children Rights and the National Steering Committee, which includes representatives from the Ministries of Health, Education, Regional Development, Planning and Development Cooperation, and Labor.

On November 21, the Government restarted the "Children and Youth Hotline" to address the increase in child abuse cases. Youth five to 20 years of age were invited to call to discuss anything, including trafficking.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports of trafficking to, from, and within the country.

The country was primarily a transit and destination country for women and children trafficked internationally for the purpose of sexual exploitation, although no estimates or reliable numbers were available to the extent or magnitude of the problem. Foreign girls and women were trafficked from Brazil, the Dominican Republic, Guyana, and Colombia for commercial sexual exploitation; some transited the country en route to Europe. Chinese and Haitians reportedly were trafficked into the country for purposes of labor exploitation. The majority of these girls and women reportedly were unaware that they would be forced into prostitution.

Principal traffickers included brothel owners or other persons active in the sex trade. There was an active sex industry in the gold mining camps in the interior. Traffickers reportedly trafficked victims under false pretenses, telling them that they would be working in the catering industry. Chinese nationals transiting the country risked debt bondage to these migrant smugglers; men were exploited in forced labor and women in commercial sexual exploitation. Authorities also noted that "snake heads," Chinese trafficking organizations, were active. There also were reports of underage girls and boys trafficked by recruiters or caretakers within the country for prostitution.

The Penal Code specifically prohibits trafficking in persons for both sexual and non sexual purposes. The law covers both internal and external forms of trafficking. The penalties for trafficking in persons for sexual exploitation and for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude, range from five to 20 years' imprisonment.

Government efforts to investigate and prosecute traffickers continued. During the year authorities arrested four persons and prosecuted three persons under trafficking in persons charges.

There were reports that government officials, including consular affairs, customs, and immigration officers, fostered an environment conducive to trafficking in persons by allowing individuals who were not bona fide visitors to enter the country.

On September 28, police closed the nightclub House of Mouse in Nickerie and arrested the nightclub manager and two other individuals suspected of trafficking two underage Guyanese girls forced to work at the club as prostitutes.

On May 27, a court convicted Hong Zhang and his wife, Calcate Almara Barbosa, owners of the nightclub Diamond in the Nickerie district on charges of trafficking Brazilian women to the country and sentenced them, respectively, to 12 months' and four months' imprisonment.

The 2006 case against four brothel owners involved in trafficking women from the Dominican Republic was dismissed after the women withdrew their statements that they were forced to work as prostitutes.

The Government's Antitrafficking Working Group, which has primary responsibility for interagency coordination on antitrafficking efforts, met monthly to assess progress and coordinate new action steps. Police cooperated with counterparts in Guyana, Trinidad and Tobago, and the Dominican Republic, and justice officials sought improved mechanisms for cooperation with Colombia, the Netherlands Antilles, and French Guiana.

The Public Prosecutor's Office and the police continued a registry of all brothels and their employees by nationality. Although prostitution is illegal, the police had informal agreements with many brothel owners allowing them to operate. The Special Anti-trafficking Police Unit conducted bimonthly checks to ensure that women were not mistreated, that no minors were present, and that owners did not keep the women's airline tickets or passports. Two brothels in the Nickerie district were closed during the year.

The police unit discontinued visits to cyber cafes to prohibit people from performing sexual acts in front of webcams.

The Government's "Children and Youth Hotline" was available to youth to discuss all concerns, including trafficking.

In December media reports indicated that 11 persons were brought to the country under false pretenses and worked in a motorbike assembly store in Lelydorp, Wanica, in poor working conditions without pay. The victims alleged that the company's director came to Indonesia and offered them jobs. In November the group protested their working conditions and demanded remuneration; thereafter they were fired from the factory and sought refuge in the Indonesian Embassy.

The TIP Foundation, which is a member of the Government's antitrafficking working group, is responsible for victim protection. While there was no shelter designated solely for trafficking victims, the TIP Foundation arranged shelter and provided other services for trafficking victims, including foreign victims.

Victims could file suit against traffickers, but few victims came forward. Women arrested in brothel raids as immigration violators and who did not indicate they were trafficked were deported, but authorities sought to treat identified victims as material witnesses needing protection rather than as criminals. An NGO receiving government funding, the Maxi Linder Foundation, continued working with trafficking victims, providing counseling and rehabilitative training.

The Government continued operating a trafficking-in-persons awareness campaign funded by the International Organization for Migration and focusing on the Chamber of Commerce, Youth Parliament, and the various districts.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—No laws prohibit discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of state services. There are no laws, provisions, or programs requiring access to buildings for persons with disabilities. Some training programs were provided for the blind and others with disabilities. In general persons with disabilities suffered from discrimination when applying for jobs and services. A Ministry of Social Affairs working group remained responsible for protecting the rights of persons with disabilities but made limited progress during the year.

National/Racial/Ethnic Minorities.—The law prohibits discrimination on the basis of race or ethnicity, and no such discrimination complaints were filed during the year. Nonetheless Maroons, who represent approximately 15 percent of the population, generally continued to be disadvantaged in the areas of education, employment, and government services. Most Maroons lived in the interior where limited infrastructure narrowed their access to educational and professional opportunities and health and social services. Some forms of discrimination that affected indigenous Amerindians also extended to Maroons.

During the year no progress was made on the execution of the Inter American Court of Human Rights ruling on a 2006 case involving 12 Saramaccan clans who claimed authority over 60 villages in the Upper Suriname River area. In November 2007 the court ruled that the Government must recognize the collective land rights of the Saramaccan clans, draft legislation that complies with international treaties, establish a development fund of SRD 1,680,000 (\$600,000), and begin demarcation by February 2008. However, there were constitutional issues preventing the demarcation of land claimed by ethnic groups.

Indigenous People.—The law affords no special protection for, or recognition of, indigenous people. Most Amerindians (approximately 3 percent of the population) suffered a number of disadvantages and had only limited ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. The country's political life, educational opportunities, and jobs were concentrated in the capital and its environs, while the majority of Amerindians (as well as Maroons) lived in the interior, where government services were largely unavailable.

Because Amerindian (and Maroon) lands were not effectively demarcated, populations continued to face problems with illegal and uncontrolled logging and mining. Organizations representing Maroon and Amerindian communities complained that small scale mining operations, mainly by illegal gold miners, dug trenches that cut residents off from their agricultural land and threatened to drive them away from their traditional settlements. Mercury runoff from these operations also contaminated and threatened traditional food source areas. Many Maroon and Amerindian groups also complained about the Government granting land to third parties within their traditional territories.

Maroon and Amerindian groups continued to cooperate with each other to exercise their rights more effectively. Moiwana and other NGOs continued to promote the rights of indigenous people.

Other Societal Abuses and Discrimination.—Although the law prohibits discrimination on the basis of sexual orientation, there were reports that homosexuals continued to suffer from employment discrimination.

Persons with HIV/AIDS continued to experience societal discrimination in employment and medical services. An NGO working with HIV infected persons reported that law enforcement agencies and the fire department conducted HIV testing as part of their hiring procedures.

The Ministry of Health continued its efforts to prevent mother to child transmission of HIV/AIDS, through a comprehensive outreach program involving local health care providers, which achieved its goal of voluntary testing of 90 percent of expectant mothers. The military continued its ongoing HIV/AIDS awareness program among troops.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice, without previous authorization or excessive requirements, and workers did so in practice. Nearly 60 percent of the workforce was organized into unions, and most unions belonged to one of the country's seven major labor federations. Unions were independent of the Government but played an active role in politics.

The law provides for the right to strike, and workers in both public and private sectors exercised this right in practice.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law, and the Government generally enforced this right in practice. Collective bargaining agreements covered approximately 50 percent of the labor force. Legislation prohibits employer interference in union activities.

There are no export processing zones.

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

On March 13, Korean boat captain Lee Chang Joo was arrested on charges of labor trafficking. The Korean captain forced four Vietnamese fishermen to work on his boat under inhumane conditions and with no pay. On August 11, a court sentenced him to six years' imprisonment.

On November 7, two Surinamers were arrested on charges of labor trafficking, participation in a criminal organization, and fraud. The two allegedly recruited Surinamers for a cooking course in Trinidad and Tobago but provided the Surinamers as forced labor upon arrival in that country. The investigation continued at year's end.

d. Prohibition of Child Labor and Minimum Age for Employment.—The country's labor laws do not define the worst forms of child labor or hazardous work, and the Government does not have a comprehensive policy or national program of action on child labor.

The law sets the minimum age for employment at 14 years and restricts working hours for minors to day shifts; however, it does not specify the length of such day shifts or set work hours more restrictive than the 40-hour week for the regular workforce. Children younger than 18 are prohibited from doing hazardous work, defined as work dangerous to their life, health, and decency; those younger than 14 are allowed to work only in a family or special vocational setting or for educational purpose. However, the Ministry of Labor and the police enforced this law sporadically, and child labor remained a problem in the informal sector, especially in the western districts of Nickerie and Saramacca, as children faced increasing economic pressure to discontinue their education to seek employment.

Children under 14 worked as street vendors, newspaper sellers, rice and lumber mill workers, packers for traders, shop assistants, and in the gold mining sector and reportedly in the commercial sex industry. Employers in these sectors did not guarantee work safety, and children often worked barefoot and without protective gloves, with no access to medical care. Although government figures reported that only 2 percent of children were economically active, there was a lack of statistical data on the labor environment and child labor situation in the country. The worst forms of child labor, such as commercial sexual exploitation, remained a problem; there were reports of commercial sexual exploitation of children and teenagers by caretakers and older recruiters.

The Ministry of Labor's Department of Labor Inspection, with 46 inspectors, has responsibility to implement and enforce labor laws, including those pertaining to the worst forms of child labor; however, enforcement was inadequate. Inspectors visited private sector companies throughout the country, but no data was available regarding the number of inspections performed during the year. The Government did not

investigate exploitive child labor cases outside urban areas. Labor inspectors were not authorized to conduct inspections in the informal sector as responsibility for controlling the informal sector lies with the police.

The police continued raids on known child labor locations in Paramaribo, including street venues where underage vendors worked, as well as nightclubs, casinos, and brothels.

Although the Government provided no programs to remove children from the worst forms of child labor, it supported vocational programs for dropouts and older children to serve as an alternative to underage labor.

In September legislation establishing the National Commission for the Eradication of Child Labor was approved. The National Commission's mandate includes formulating national policy regarding the eradication of child labor, initiating specific programs for indigenous children, and monitoring the country's compliance with international child labor standards.

e. Acceptable Conditions of Work.—There is no legislation providing for a minimum wage. The lowest wage for civil servants was approximately SRD 600 (\$214) per month, including a cost of living allowance, which did not provide a decent standard of living for a worker and family. Government employees, who constituted approximately 50 percent of the 100,000 member workforce, frequently supplemented their salaries with second or third jobs, often in the informal sector. The president and the Council of Ministers set and approved civil service wage increases.

Work in excess of 45 hours per week on a regular basis requires special government permission, which was granted routinely. Such overtime work earned premium pay. The law prohibits excessive overtime and requires a 24 hour rest period per week.

The Government sets occupational health and safety standards, and a 10- to 12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor is responsible for enforcing occupational safety and health regulations, but it did not make regular inspections. There is no law authorizing workers to refuse to work in circumstances they deem unsafe; they must appeal to the inspectorate to declare the workplace situation unsafe.

TRINIDAD AND TOBAGO

Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature, with a population of approximately 1.3 million. Tobago has a House of Assembly that has some administrative autonomy over local matters on that island. In November 2007 elections, which observers considered generally free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 26 to 15 seat victory over the United National Congress (UNC). Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas: police killings during apprehension or custody, inmate illness and injuries due to poor prison conditions, high-profile cases of alleged bribery, violence against women, inadequate services for vulnerable children, and unsafe working conditions.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, 43 persons died during the year while in police custody or at the hands of law enforcement authorities. Authorities investigated or opened inquests into all such killings, but only 6 percent of inquiries into police killings of civilians have been completed since 1999. In cases where charges were brought, 50 percent of the officers were acquitted.

On April 10, police killed Mustapha Edwards during an alleged shootout with Edwards and another assailant. Eyewitnesses claimed that police harassed Edwards before shooting him in an alleged execution style. An investigation continued at year's end.

On October 6, police officers shot and killed Karim Saint Aimee near his home in Laventille. According to police reports, Saint Aimee was running in an area where residents had reported a gunman, and the police returned shots after Saint Aimee pointed and fired his gun. However, an eyewitness account claimed that Aimee did not fire his weapon. An investigation continued at year's end.

On October 9, police officers shot and killed Russel Samuel. According to police reports, when police approached him, Samuel pulled a firearm from his waist and shot toward the police. Autopsy reports indicated that Samuel died from internal and external bleeding and trauma to the chest. The report also stated that Samuel had three entry wounds in his back. A police investigation continued at year's end.

On February 27, a preliminary judicial inquiry ruled that Sheldon Des Visgnes was accidentally killed by crossfire in November 2007 when a police officer was defending himself.

On June 6, a forensic report contradicted an earlier police report and confirmed that none of the four men seated in a vehicle in Laventille whom police shot and killed in August 2007 had gunpowder residue on their hands. In addition no guns were found, and eyewitness accounts allegedly confirmed that no one inside the car fired a shot. At year's end the Special Branch police report had yet to be submitted.

On July 29, a coroner's inquest concluded that the police officers who shot and killed Joel Charles in April 2007 did so in self-defense.

There were no developments in investigations or inquests into the 2006 police killings of Stefan Mills and Noel French.

During the year authorities extradited the remaining four suspects, two of them former members of the defense force, charged with the 2005 kidnapping and killing of Balram Bachu Maharaj.

On February 26, a judge acquitted the police officers responsible for Sherman Monseque's 2004 death, citing a lack of evidence.

b. Disappearance.—There were no reports of politically motivated disappearances. Criminal kidnappings remained a serious problem, increasing to 178 from 162 in 2007.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and the law prohibit such practices, there were credible reports that police officers and prison guards mistreated individuals under arrest or in detention.

Prison and Detention Center Conditions.—Conditions in the prison system's eight facilities were somewhat upgraded but continued to be harsh. According to the prison service commissioner, the Port of Spain prison, originally designed to accommodate 250 inmates, held 528 prisoners, compared with 599 in 2007. At peak levels, the maximum number of prisoners in a 10- by 10-foot cell increased from eight to 10.

On October 3, a High Court judge ruled in favor of convicted murderer Colin Edghill's complaint that the conditions at the Port of Spain prison were debasing and dehumanizing to both prisoners and to prison officers. In the ruling, the judge cited concerns about air, light, sanitation, hygiene, exercise, and food. According to the prison commissioner, two new prisons were under construction, and temporary converted storage facilities might be used to remedy the situation.

Prison authorities reported bringing charges against 25 prison officers for assault and battery or for poor conduct on the job, including possession of narcotics and provision of cell phones to inmates.

On May 30, Sunil Ali, who allegedly raped and murdered eight-year-old Hope Arismendez, hanged himself while in custody at the Golden Grove prison. An official report made public on October 8 indicated that an inmate assisted Ali with his suicide.

On September 24, a judge ruled that prison officers used excessive force in beating inmate Fitzroy Campo in 2006 at the Port of Spain prison. He awarded Campo financial compensation for general and exemplary damages.

There were no developments in the inquest into the August 2007 death of Golden Grove prisoner Letroy Beepath, who allegedly died from blunt force to the chest while in remand custody.

Pretrial detainees were held separately from convicted prisoners, usually in the remand section of the same facilities as convicted prisoners. However, convicted prisoners often were held in the remand section until they exhausted their appeals. Since there is no female youth facility, some underage female prisoners were placed in the Golden Grove women's prison. Although conditions at the women's prison were better than those in Port of Spain prison, it occasionally became overcrowded, since it held both women on remand and those serving prison sentences.

The Government permitted prison visits by independent human rights observers, but the Ministry of National Security must approve each visit.

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

On February 27, a High Court judge ruled that the Government was liable for Shastri Ramnarine's unlawful detention and verbal abuse by police officers in 2004 and ordered compensation for Ramnarine.

Role of the Police and Security Apparatus.—The Ministry of National Security oversees the police service, the prison service, and the defense force. The police service maintains internal security, while the defense force is responsible for external security but also has certain domestic security responsibilities. An independent body, the Police Service Commission, makes hiring and firing decisions in the police service, and the ministry has little direct influence over changes in senior positions.

The national police force comprises nine divisions, including 17 specialized branches, with approximately 7,000 members. The Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. The Special Anticrime Unit, composed of both police and defense force personnel, combats violent crime—including kidnappings for ransom—and carries out other security operations.

Police corruption continued to be a problem, with some officials suggesting there were officers who participated in corrupt and illegal activities. The Police Complaints Authority receives complaints about the conduct of police officers for transmittal to the Complaints Division of the Police Service, where uniformed officers investigate them. The authority simply monitors the division's investigations and its disciplinary measures. Police Service Commission restrictions limited the division's ability to dismiss police officers. The public had little confidence in the police complaints process because the authority had no power to investigate complaints and because those investigating complaints against the police were themselves police officers.

On March 4, a woman claimed that police constable Stephen Jerome raped her during a visit to the Arouca police station where she had gone to inquire about a domestic violence report. The court prosecutor asserted that Jerome refused to provide a DNA sample; the judge set bail and ordered collection of DNA. At year's end, the trial was pending.

On March 19, two soldiers allegedly raped a woman at gunpoint after she snuck into Camp Ogden to visit another soldier. Medical examiners confirmed that she was sexually assaulted. Both an army and police investigation were underway at year's end.

On March 24, a senior police officer allegedly swam nude with four female Colombian detainees, fed them, and then returned to the police station where he proceeded to have sex with them. An official investigation began after another officer confirmed the allegation.

On May 8, authorities brought charges against three detectives who allegedly robbed the son of a senior police officer in 2006. Although the investigation was completed in January 2007, all three accused were still serving officers and were to provide testimony in several pending cases at year's end.

Arrest and Detention.—A police officer may arrest a person either based on a warrant issued or authorized by a magistrate or without a warrant when the officer witnesses the commission of an alleged offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In the case of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Detainees were granted prompt access to a lawyer and to family members.

There is a functioning bail system, although persons charged with murder, treason, piracy, kidnapping for ransom, hijacking and persons convicted twice of violent crimes are ineligible for a period of 60 days following the charge. However, a judge may still grant bail to such persons under exceptional circumstances. Where bail was refused, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to any interrogation.

The minister of national security may authorize preventive detention in order to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention. There were no reports that the authorities abused this power.

Lengthy pretrial detention resulting from heavy court backlogs and an inefficient judicial system continued to be a problem. Out of a prison population of 3,803, 1,595 inmates awaited trial at year's end, compared with 578 in 2007. Of the 212 female prisoners, 108 inmates awaited trial at year's end. Many persons under indictment waited months, if not years, for their trial dates in the High Court. An added inefficiency resulted from the legal requirement that anyone charged and detained must

appear in person for a hearing before magistrate's court every 10 days, if only to have the case postponed for a further 10 days, pending conclusion of the investigation. Officials cited an increase in the number of arrests and an antiquated notetaking system in most magistrate courts as explanations for the backlog.

e. Denial of Fair Public Trial.—The constitution and the law provide for an independent judiciary, and the Government generally respected this provision in practice. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. Additionally, prosecutors as well as judges stated that witness intimidation increased.

The judiciary is divided into the Supreme Court of Judicature and the magistracy. The Supreme Court is composed of the High Court and a Court of Appeal. The magistracy includes the summary courts and the petty civil courts.

Trial Procedures.—Magistrates try both minor and more serious offenses, but in the case of more serious offenses, the magistrate must conduct a preliminary inquiry. Trials are public, and juries are used in the High Court. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. All defendants have the right to consult with an attorney in a timely manner. An attorney is provided at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question witnesses against them, can present witnesses and evidence on their own behalf, and have access to government-held evidence relevant to their cases.

Both civil and criminal appeals may be filed with the Court of Appeal and ultimately with the Privy Council in the United Kingdom.

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

Civil Judicial Procedures and Remedies.—The constitution and the law provide for an independent and impartial judiciary in civil matters, and citizens are free to file lawsuits against civil breaches, in both the High Court and petty civil court. The High Court may review the decisions of lower courts, may order parties to cease and desist from particular actions, may compel parties to take specific actions, or may award damages to aggrieved parties. However, the petty civil court is authorized to hear only cases involving damages of up to TT\$15,000 (approximately \$2,500).

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and of the press, and the Government generally respected these rights in practice.

On November 4, the prime minister visited a local radio station to protest the manner in which two newscasters were commenting on the Government's budget, and the station manager subsequently suspended the two broadcasters. Some government critics responded by charging intimidation and abuse of authority. The prime minister defended his action by asserting that no intimidation took place and that he acted within the rights provided every citizen to counter false or incorrect information. Commenting on the matter, the minister of information underscored the Government's commitment to press freedom, but urged all media to report "accurately and with balance."

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

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

b. Freedom of Peaceful Assembly and Association.—The constitution and the law provide for these freedoms, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—In 2006 a High Court judge ruled that the country's highest award, the Trinity Cross, was discriminatory to non-Christians. That ruling did not alter the name of the award, and in August, the Government officially renamed it the Order of the Republic of Trinidad and Tobago.

On August 8, unidentified vandals broke into a prominent Hindu temple where they defiled religious idols. This desecration occurred almost exactly one year after a 2007 break-in at a Hindu temple in the central part of the country. The non-governmental Inter Religious Organization did not believe the vandalism was religiously motivated. Police had not made any arrests in the cases at year's end.

There were no other reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was extremely small.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and various laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—Although the Government acceded to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, it had not passed legislation to implement its obligations under the convention. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government placed asylum seekers in the care of the Living Water Community, a local Catholic social services agency, while their cases were reviewed by UNHCR and final resolution reached. Pending Parliament's approval of legislation implementing the UN convention and its protocol, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis.

In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government did not provide temporary protection to persons who may not qualify as refugees. The Living Water Community provided such persons with needed social services and reported 18 new asylum seekers and 115 refugees seeking assistance as of October 31.

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

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

Elections and Political Participation.—Observers found the November 2007 national elections to be generally free and fair, although during the campaign period there were incidents of vandalism and violence that, while mild, were more pronounced than in past elections. A plurality of voters supported the PNM, which retained control of the Government. The two major political parties are the PNM, which is primarily, but not exclusively Afro-Trinidadian, and the UNC, which is primarily but not exclusively Indo-Trinidadian. A third party formed in 2006, the Congress of the People (COP), failed to win any seats in the latest election. The COP and all other parties state their goal is to create a broad-based national political consensus spanning all racial, ethnic, and religious groups.

Voters elected the 41-member House of Representatives, and there is an appointed Senate composed of 31 persons. Of the 72 persons in both houses of Parliament, 23 were women; there were 11 women in the 28-member cabinet; and 12 female judges among the 37 judges on the High Court and the Court of Appeals. All major political parties reached out to voters from relatively small ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government. There were no members of these minorities in the legislature or in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. However, the World Bank's worldwide governance indicators reflected that government corruption was a problem.

The Integrity in Public Life Act mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission. Critics charged that the commission lacks credibility as often it was used as a political tool. In the past, many officials and candidates for public office were reluctant to comply with the disclosure provisions, claiming that such disclosures would make them and their fami-

lies a target of kidnappings for ransom. The attorney general reportedly was reviewing the act to determine who could be exempt.

In June several allegations of corruption were made against the Urban Development Company, a state enterprise. The prime minister agreed to establish a commission of inquiry, which was scheduled to begin hearings in January 2009.

In February the Privy Council heard the case of UNC Party Chairman and Parliamentary Opposition Leader Basdeo Panday, convicted in 2006 of failing to disclose a London bank account, and ruled that he should receive a retrial. At year's end the matter was pending.

An investigation continued into the 2006 charges against Hafeez Karamath, part owner of a desalination company, who was accused of conspiring in 1998–99 to enrich himself by manipulating a bid for a contract to supply desalinated water to the Government's Water and Sewer Authority. The case was in abeyance pending extradition proceedings.

The 2005 bribery allegations against former PNM minister of works and transport and party chairman Franklin Khan continued to be heard in the courts and to be investigated by the authorities. In a related case, the director of public prosecutions applied to the High Court to reconsider trying former PNM minister of energy and energy industries Eric Williams on seven corruption charges, but no decision had been made by year's end.

The courts continued to hear a case that implicated the most senior members of the 1995–2001 UNC government in embezzlement and bid-rigging on the Piarco Airport expansion project. At year's end the corruption case against then prime minister Panday, charging that he had accepted a bribe that led his government to favor a contractor on the project, was still being heard in the courts.

The Freedom of Information Act provides for public access to government documents, upon application. However, critics charged that a growing number of public bodies were exempted from the act's coverage. The Government countered that the exemptions were intended to avoid frivolous requests and searches for information.

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

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

The ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsman may refer the matter to the authority competent to take appropriate remedial action. The ombudsman has a quasi-autonomous status within the Government and publishes a comprehensive annual report. Both the public and the Government had confidence in the integrity and the reliability of the office of the ombudsman and the ombudsman's annual report.

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

The Government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, social status, or gender.

Women.—Rape, including spousal rape, is illegal and punishable by up to life imprisonment, but the courts often handed down considerably shorter sentences. The Government and nongovernmental organizations (NGOs) reported that many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity on the part of the police. One group, the Rape Crisis Society, stated that there were 229 new cases of rape reported during the year, in addition to 615 continuing investigations. Over 60 percent of its clients were between 12 and 26 years of age.

Many community leaders asserted that abuse of women, particularly in the form of domestic violence, continued to be a significant problem. The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses, from their victims, as well as for penalties that include fines and imprisonment. While reliable national statistics were not available, women's groups estimated that from 20 to 25 percent of all women suffered abuse. Citing a 10 percent increase in the number of domestic violence cases filed in the magistrate's court during the previous year's law term, outgoing Chief Justice Sharma asserted that domestic abuse was a detriment to the country's peace and security. In January the Attorney General's Office provided a domestic violence manual to law enforcement officials.

NGOs charged that police were often lax in enforcing the law. The Division of Gender Affairs (DGA) in the Ministry of Community Development, Culture, and Gender Affairs operated a 24-hour hot line for victims of rape, spousal abuse, and other violence against women, referring callers to eight shelters for battered women, a rape crisis center, counseling services, support groups, and other assistance.

Prostitution is illegal, and the authorities continued to monitor, investigate, and prosecute major operators believed to be engaged in soliciting for prostitution. On January 20, police arrested 42 women involved in a prostitution ring, many of whom had entered the country illegally. The authorities deported many of them.

No laws specifically prohibit sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts, both the Government and NGOs suspected that many incidents of sexual harassment went unreported.

Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. No laws or regulations require equal pay for equal work. While equal pay for men and women in public service was the rule rather than the exception, both the Government and NGOs noted considerable disparities in pay between men and women in the private sector, particularly in agriculture.

The DGA had primary government responsibility for protecting women's rights and women's advancement and sponsored income-generation workshops for unemployed single mothers, nontraditional skills training for women, and seminars for men on redefining masculinity.

Children.—A lack of funds and expanding social needs challenged the Government's ability to carry out its commitment to protect the rights and welfare of children.

Education is compulsory up to the age of 12, and public education is free for all elementary and secondary students up to the age of 20. Some parts of the public school system failed to meet the needs of the school-age population due to overcrowding, substandard physical facilities, and occasional classroom violence.

The Domestic Violence Act provides protection for children abused at home. The Ministry of Education's Student Support Services Division reported that young school children were vulnerable to rape, physical abuse, and drug use and that some had access to weapons or lived with drug-addicted parents. Abused children removed from the home were first assessed at a reception center for vulnerable children and then placed with relatives, government institutions, or NGOs. According to the Rape Crisis Society, there were 81 child sexual abuse cases, a decrease from 126 cases in 2007. Officials believed that this may not be a result of a decrease in incidents, rather a decrease in reporting. Other sources cited training and distribution of the new domestic abuse handbook as a possible reason for fewer cases. The Coalition against Domestic Violence operated Childline, a free and confidential telephone hot line for at-risk or distressed children and young persons up to age 25. During the year Childline received 9,475 calls, 46 percent from girls and 54 percent from boys.

There were a number of cases of children who, either in their own homes or in institutional settings, were abused or, in some cases, tortured. On May 24, eight-year-old Hope Arismendez was reported missing, and police found her dead body in a cane field five days later. The girl had been beaten, raped, and her throat slit, allegedly by her mother's common-law husband.

The law defines a child as under 18 years of age, outlaws corporal punishment for children, and prohibits sentencing a child to prison. One law sets the minimum legal age of marriage at 18 for both males and females; however, in practice the minimum legal age of marriage is determined by the distinct laws and attitudes of the various religious denominations. Under the Muslim Marriage and Divorce Act, the minimum legal age of marriage is 16 for males and 12 for females, while under the Hindu Marriage Act and the Orisa Marriage Act, the minimum legal age of marriage is 18 for males and 16 for females.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, but perpetrators could be prosecuted under several related laws. Although media reports asserted that trafficking in persons was a growing problem, law enforcement officials stated that they had no reports of trafficking of nationals to, from, through, or within the country. They acknowledged occasional irregular migration by foreign women, often for purposes of prostitution, who were deported when discovered.

The Sexual Offenses Act prohibits procurement of a person for the purpose of sexual intercourse with another person, and procuring a person to become an inmate of a brothel or to frequent a brothel. The Kidnapping Act also provides that if a per-

son takes, entices away, abducts, seizes, or detains any person without his consent, or with his consent obtained by fraud or duress, and if a person without lawful excuse is held, confined, restricted or imprisoned, the one who performs these acts commits an offense. Penalties for violations of these laws range from seven years' to life imprisonment. There were no such prosecutions during the year.

The Government had not designated a specific agency to combat trafficking in persons, and it sponsored no public awareness campaigns to address this issue during the year. The Government cooperated with the International Organization for Migration, which continued a Strengthening Technical Capacity project to bolster capabilities of the Immigration Division and other law enforcement agencies. Domestic NGOs were available to provide care and protection to trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There are no statutes either prohibiting discrimination on the basis of disability or mandating equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, and other citizen services.

In practice persons with disabilities faced discrimination and denial of opportunities in the form of architectural barriers, employer reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist children with special needs to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect. According to the NGO Disabled People's International (DPI), the majority of public schools and most government and commercial facilities were inaccessible to wheelchair users, and there were only five buses modified to accommodate the country's 125,000 persons with disabilities. However, the national library was widely regarded as a model of barrier-free design and genuinely equal service to patrons with disabilities. In addition a few commercial facilities, such as some supermarkets, made parking spaces available to shoppers with disabilities.

The Hall of Justice's wheelchair access was completed in response to a 2007 high court ruling. In addition the Government completed work making five stadiums, seven indoor sports arenas, and five community pools accessible to persons with disabilities. According to DPI officials, although the pace is slow, improvements continued. They estimated that 16 percent of the total population were persons with disabilities, although no census data were available. The Government provides some funding to NGOs such as the DPI.

National/Racial/Ethnic Minorities.—The country's diverse racial and ethnic groups lived together in what appeared on the surface to be peace and mutual respect. However, nonviolent racial tensions regularly emerged between Afro-Trinidadians and Indo-Trinidadians, who each made up approximately 40 percent of the population.

Indo-Trinidadians and persons of European, Middle Eastern, and Asian descent predominated in the private sector, and Indo-Trinidadians also predominated in agriculture. Afro-Trinidadians were employed heavily in the civil service, the police, and the defense force. Some Indo-Trinidadians asserted that they were not equally represented in senior civil service and security force positions and among winners of state-sponsored housing grants and scholarships.

Indigenous People.—A very small group of persons identified themselves as descendants of the country's original Amerindian population. The Government effectively protected their civil and political rights, and they were not subject to discrimination.

Other Societal Abuses and Discrimination.—Although the law criminalizes consensual homosexual relations, providing penalties of up to 10 years' imprisonment, the Government generally did not enforce such legislation. The Equal Opportunities Act does not specifically include gays and lesbians. Gay rights groups reported that there remained a stigma related to homosexuality in the country.

HIV/AIDS was viewed as a significant medical concern for the Government and society. Incidents of violence against this group were usually isolated events.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including those in state-owned enterprises, may form and join unions of their own choosing without prior authorization. The law also provides for the mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The Government's Registration and Certification Board, however, determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The Government was consist-

ently unwilling to negotiate with public sector unions and refused to amend its legislation on “essential services” and collective bargaining to conform with International Labor Organization conventions.

According to the National Trade Union Center, one of two umbrella organizations in the labor movement, 22–24 percent of the workforce was organized in approximately 25 active unions. Most unions were independent of government or political party control, although the Sugar Workers’ Union historically was allied with the UNC.

The law allows unions to conduct their activities without interference and to strike, although there were heavy restrictions on strikes. Employees in essential services, such as police and teachers, do not have the right to strike, and walkouts can bring punishment of up to 18 months in prison. These employees negotiate with the Government’s chief personnel officer to resolve labor disputes.

b. The Right to Organize and Bargain Collectively.—The law allows unions to participate in collective bargaining, although there were heavy restrictions on the practice. According to the International Trade Union Confederation, collective bargaining was restricted by the requirement that, to obtain bargaining rights, a union must have the support of an absolute majority of workers. Furthermore, collective agreements must be for a minimum of three years, making it almost impossible for workers on short-term contracts to be covered by such agreements.

The law mandates that workers illegally dismissed for union activities must be reinstated. A union also may bring a request for enforcement to the Industrial Court, which may order employers found guilty of antiunion activities to reinstate workers and pay compensation or may impose other penalties, including imprisonment.

There are several export processing zones, where the same labor laws are in effect as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Although the law does not specifically prohibit forced or compulsory labor, including by children, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum legal age for workers is 12 years. Children from 12 to 16 years of age may work only in family businesses. Children under the age of 18 may work legally only during daylight hours, with the exception that 16- to 18-year-olds may work at night in sugar factories. The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of Social Development are responsible for enforcing child labor provisions.

The Ministry of Social Development continued to implement its Revised National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitive child labor. However, the Government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. Consequently, it was unclear how many complaints related to child labor were received and if any children who work might have been involved in exploitive labor situations.

e. Acceptable Conditions of Work.—The Ministry of Labor has a tripartite minimum wage committee, with input from trade unions and private sector leaders. The committee provides a recommendation for setting the minimum wage, which then is brought to cabinet by the minister of labor. The national minimum wage was TT\$9 (approximately \$1.45) per hour, which did not provide a decent standard of living for a worker and family; however, since 2006 the Government provided limited food assistance for poor families through a national cash transfer program. Actual wages varied considerably among industries. There were occasional press reports of minimum wage violations with no enforcement by the Government.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime.

The law protects workers who file complaints with the labor ministry regarding illegal or hazardous working conditions. If complainants refuse to comply with an order that would place them in danger and if it is determined upon inspection that hazardous conditions exist in the workplace, the complainants are absolved from blame.

URUGUAY

The Oriental Republic of Uruguay, with a population of approximately 3.4 million, is a constitutional republic with an elected president and a bicameral legislature. In October 2004, in free and fair multiparty elections, Tabare Vazquez, leader of the Broad Front or Frente Amplio (FA) coalition, won a five year presidential term and a majority in parliament. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens. Prison conditions continued to be poor. Instances of violence against women and discrimination against some societal groups continued to challenge government policies of non-discrimination. Some trafficking in persons occurred.

RESPECT FOR HUMAN RIGHTS

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

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

The Government continued to investigate the serious human rights violations committed during the 1973–85 military dictatorship.

In August the Office of the Prosecutor requested an extended sentence for imprisoned former foreign minister Juan Carlos Blanco based on new charges regarding his alleged complicity in the forced disappearance of teacher Elena Quinteros, kidnapped by military forces from the compound of the Venezuelan Embassy in Montevideo in 1976. The case remained pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions continued to be poor as aging facilities were not adequately maintained. Overcrowding continued to be a problem. The total prisoner population as of June 30 exceeded capacity by 973 prisoners, reaching a density of 128 percent of capacity. Overcrowding and understaffing resulted in sanitation, social and health problems. Authorities made some improvements to prisons, such as repairing sewage systems and installing additional trash receptacles. Authorities began construction of a new prison with the capacity to hold 312 prisoners.

Despite an increased budget for provisions, prisoners depended on visitors for enough food to reach the daily minimum caloric intake. Access to medical and dental care, recreation, and training was poor. Authorities installed additional medical and exercise facilities in several prisons, including Libertad and Comcar and prisons in the provinces of Salto, Paysandu, and Colonia. A 2008 Honorary Anti-Tuberculosis Commission report estimated that 35 percent of the prisoner population had tuberculosis. A high percentage of prisoners reportedly used drugs, which exacerbated prison violence and health problems.

Prisoner-on-prisoner violence continued to be a problem, partially due to the lack of a separate, high-security prison for violent criminals. Ministry of Interior officials created a Prison Violence Monitoring Board to evaluate prison violence nationwide.

Ministry officials stated that there were no complaints of police abuse in prisons during the year. However, on October 10, a detainee died from strangulation at a police station within hours of his arrest. At year's end authorities were prosecuting five police officers for their alleged involvement.

Female and male prisoners were held in separate facilities. In general, conditions for female prisoners were significantly better than those for male prisoners. During the year approximately 17 children lived in prison facilities with their inmate mothers.

The Uruguayan Institute for Adolescents and Children (INAU) operated institutions to hold minor detainees. Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resembled traditional jails and had cells. Conditions in some of these facilities were similar to adult versions. Judges placed most juvenile offenders in halfway houses that focused on rehabilitation. These facilities provided educational, vocational, and other opportunities, and residents were permitted to enter and leave without restriction.

Pretrial detainees were held together with convicted prisoners.

A Prison System Ombudsman elected by the General Assembly is responsible for monitoring and reporting on prison conditions in the 27 detention centers around

the country. The Office of the Ombudsman completed 118 prison visits during the year. The Ministry of Interior made efforts to remedy shortcomings highlighted in the Office of the Ombudsman's 2007 report on prison conditions. The ministry began repair and construction of 2,266 spaces for prisoners, and the Government granted a 130 percent budget increase for the Prisoner Release Protection Board to support the reintegration of prisoners into society and the workforce.

The Government permitted general prison visits by independent human rights observers, nongovernmental organizations (NGOs), religious congregations, and foreign diplomats, and such visits occurred during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice. The law requires police to have a written warrant issued by a judge before making an arrest (except when police apprehend the accused during commission of a crime), and authorities generally respected this provision in practice.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the National Police, and the Government has effective mechanisms to investigate and punish abuse and corruption. In July the Government passed a law including rules and guidelines for police procedures respecting human rights. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—The law provides detainees with the right to a prompt judicial determination of the legality of detention, which was not always respected, and requires that the detaining authority explain the legal grounds for the detention. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. The law stipulates that confessions obtained by the police prior to a detainee's appearance before a judge and attorney (without the police present) are not valid. A judge must investigate any detainee's claim of mistreatment.

For a detainee who cannot afford a lawyer, the court appoints a public defender. Judges rarely granted bail for persons accused of crimes punishable by at least two years in prison. Most persons facing lesser charges were not jailed. According to an Amnesty International 2008 report, between 60 and 65 percent of all persons incarcerated were awaiting final decisions in their cases. Some detainees spend years in jail awaiting trial, and the uncertainty and length of detention contributed to tensions in the prisons. Detainees were allowed prompt access to family members.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Juries are not used; trial proceedings usually consist of written arguments to the judge, which normally are not made public. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. There was some difficulty in maintaining confidentiality between client and attorney. Individual judges may hear oral arguments at their option, but most judges choose the written method, a major factor slowing the judicial process. Defendants enjoy a presumption of innocence. Criminal trials are held in a court of first instance. Defendants have a right of appeal. The law extends these rights to all citizens.

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

Civil Judicial Procedures and Remedies.—There are transparent administrative procedures to handle complaints of abuse against government agents. An independent and impartial judiciary handles civil disputes, but its decisions were ineffectively enforced. Local police lacked the training and manpower to enforce restraining orders, which were often generated during civil disputes.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

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

by e-mail. The International Telecommunication Union reported that in 2007 there were 29 Internet users per 100 inhabitants.

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

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

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

Societal Abuses and Discrimination.—There were no cases of societal violence, harassment, or discrimination against members of religious groups, including inter-religious or intrareligious incidents.

Jewish community leaders reported that government officials and society generally respected members of their community, which numbered approximately 20,000. Jewish leaders reported effective cooperation with police investigating incidents of anti-Semitism.

For a more detailed discussion, see the 2008 International Religious Freedom Report at state.gov/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The law provides that in extreme cases of national emergency an individual may be given the option to leave the country as an alternative to trial or imprisonment, but this option has not been exercised in at least two decades.

Protection of Refugees.—The law provides for the granting of refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status and grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. During the year the Government accepted 142 refugees for resettlement. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In October 2004 Tabare Vazquez of the FA coalition won a five year presidential term in free and fair elections. The FA won 16 of 30 seats in the Senate and 52 of 99 seats in the House of Representatives. President Vazquez took office on March 1, 2005.

Political parties operated without restrictions or outside interference.

Women participated actively in the political process and government, although primarily at lower and middle levels. Four senators and 11 representatives were women. Four of the 13 cabinet ministers were women. There was one Afro Uruguayan among the 99 representatives.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Public officials are subject to financial disclosure laws. A government commission on economic and financial matters collects sworn financial statements from public servants, including the president.

Although there is no general public disclosure law, the Government requires all government agencies to produce regular public reports. All agencies complied with these reporting requirements.

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

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

human rights cases. Government officials were generally cooperative and responsive to their views.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these prohibitions effectively, although societal discrimination against some groups persisted.

The Honorary Commission Against Racism, Xenophobia, and All Forms of Discrimination is charged with developing a national plan and proposing specific measures to prevent and combat racism, xenophobia and discrimination. The commission is headed by the Ministry of Education and Culture Director of Human Rights and includes representatives from the Ministry of Foreign Affairs, the Ministry of the Interior, the National Education Board and three members with a proven record of fighting discrimination appointed by the president. Organizations representing Jews, Afro-Uruguayans and individuals of indigenous descent are also appointed members of the commission. During the year the commission collaborated with provincial governments to develop local antidiscrimination activities and conduct procedures for first responders to crimes involving racism. The commission cosponsored a seminar on antidiscrimination organized by the Jewish Central Committee.

Women.—The law criminalizes rape, including spousal rape. The law allows for sentences of two years' to 12 years' imprisonment for a person found guilty of rape. According to Ministry of Interior statistics, there were 209 rape cases, up 1 percent from 2007.

Authorities believed that some victims of spousal rape did not report such incidents because of failure to understand their rights and fear of social stigma.

The Ministry of Interior reported 12,407 cases of domestic violence, up 16 percent from 2007, with the highest incidence in Montevideo and the neighboring department of Canelones. The law allows for sentences of six months to two years in prison for a person found guilty of committing an act of violence or of making continued threats to cause bodily injury to persons related emotionally or legally to the perpetrator. Civil courts decided most of the domestic cases during the year. Judges in these cases often issued restraining orders, which were difficult to enforce. In many instances, courts did not apply criminal penalties.

The Montevideo municipal government funded a free nationwide hot line answered by trained NGO employees for victims of domestic violence. The Ministry of Social Development, INAU, and NGOs operated shelters in which abused women and their families could seek temporary refuge.

Prostitution is legal for persons over the age of 18 and was practiced openly in major cities and tourist resorts. There were no known reports of police abuse of individuals engaging in prostitution. Trafficking in women for prostitution occurred.

The law prohibits sexual harassment in the workplace and punishes it by fines or imprisonment; however, women filed few such complaints, possibly because they lacked understanding of their rights.

In the judicial system, women enjoyed the same rights as men, including rights under family and property law. However, they faced discrimination stemming from traditional attitudes and practices, and no gender discrimination cases have ever been litigated. There was some segregation by gender in the workforce. Women constituted almost one half the workforce, but tended to be concentrated in lower paying jobs, with salaries averaging two thirds those of men.

Children.—The Government was committed to protecting children's rights and welfare, and it regarded the education and health of children as a high priority.

There were few reports of physical and sexual child abuse.

Interpol noted an increase in child pornography material produced in the country and available on the Internet through servers located in central Europe. Interpol and the Ministry of Interior authorities responded promptly to five child pornography cases that came to light during the year in the provinces of Maldonado, Salto, and Artigas.

INAU provided funding for a number of NGOs that had programs to assist at-risk children, as well as victims of domestic violence and sexual exploitation. Assistance to trafficking victims was provided on a case-by-case basis.

The Integral System to Protect Children and Adolescents Against Violence, an interagency workgroup that provided training and awareness-raising campaigns and promoted legislative advancements for the protection of children and adolescents, operated 10 centers to provide assistance to victims and released three protocols to guide first responders (teachers, government workers, and health care workers) in identifying and treating child abuse.

Some minors engaged in prostitution and forced labor. INAU found that they often did so at the request of their families to increase income. The media reported three cases of minors engaged in prostitution with the consent of their parents in the provinces of Tacuarembó, Rocha, and Paysandú.

Trafficking in Persons.—While laws prohibit all forms of trafficking in persons, the country was a source, transit point, and infrequently a destination for trafficked persons. Men, women, and children were trafficked for purposes of commercial sexual exploitation and forced labor. Most victims were women, girls, and some boys trafficked within the country to border and tourist areas for sexual exploitation. Through use of false job offers, some women were trafficked to Spain and Italy for commercial sexual exploitation.

According to police sources, commercial sexual exploitation of women and children occurred in the provinces closest to the borders with Argentina and Brazil, notably in Paysandú, Salto, and Colonia. Child welfare organizations and independent research groups expressed concern about possible prostitution rings exploiting children in Montevideo, in the aforementioned border areas, and at the resort areas of Punta del Este and Maldonado. There were also reports of prostitution involving boys.

On January 6, the Government enacted an immigration law prohibiting all forms of trafficking in persons. The law penalizes recruiting, transporting, transferring, capturing, or receiving human beings for the purpose of forced or slave labor, servitude, or sexual exploitation. Sentences range from four to 16 years. The law also contains enhanced penalties for trafficking children and adolescents. The Ministry of Interior has primary responsibility for investigating trafficking cases. No prosecutions under the new law have occurred.

While the Government provided some assistance to NGOs working in the area of trafficking, the availability of victim services remained spotty, especially outside the capital. The Government does not have a formal system for identifying trafficking victims among vulnerable populations, such as women in prostitution or undocumented migrants.

In April the Organization for International Migration (IOM) and INAU signed a cooperation agreement to raise awareness on trafficking issues and increase local, provincial, and federal capacity to combat trafficking in tourist areas and along the loosely controlled borders with Brazil and Argentina. The IOM and INAU held two-day seminars in the cities of Paso de los Toros and San Gregorio de Polanco to train local representatives from NGOs, the judiciary, and several government ministries. The participants gathered to discuss the implications and enforcement of the antitrafficking legislation passed during the year. The Ministry of Interior provided training on the legislation.

The Government supervised the work of the National Committee to Eradicate Commercial and Noncommercial Sexual Exploitation of Children and Adolescents, which is responsible for monitoring implementation of a national plan to eliminate the commercial sexual exploitation of children. On October 27, the committee launched a week-long public campaign to raise awareness of sexual exploitation of children. The committee arranged radio interviews addressing the problem and distributed educational flyers and posters at key tourist areas.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, but the Government did not effectively enforce these provisions. Local entities did not devote resources to provide appropriate accommodations. Persons with disabilities reported discrimination in employment despite government efforts to assist in individual cases. The Government did not discriminate against persons with disabilities and provided additional services as resources allowed; however, difficulties in transportation inhibited some persons from accessing these services.

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. The law mandates accessibility for persons with disabilities to new buildings or public services, but was not consistently enforced. The law reserves 4 percent of public sector jobs for persons with physical and mental disabilities, but the quota was not filled.

National/Racial/Ethnic Minorities.—The country's Afro Uruguayan minority continued to face societal discrimination. A National Bureau of Statistics study stated that Afro-Uruguayans comprised 9 percent of the population and indigenous descendants constituted another 3 percent. The study concluded that 50 percent of Afro-Uruguayans were poor and suffered discrimination. The NGO Mundo Afro agreed, stating that a much larger percentage of Afro Uruguayans worked as unskilled laborers than members of other groups in society despite equivalent levels

of education. Afro Uruguayans were underrepresented throughout government and academia and in the middle and upper echelons of private-sector firms. During the year the Government increased Afro-Uruguayan participation in the "Quijano Scholarship Program" for postgraduate work (three participants) and the "First Job Experience Program," a program to help youth integrate into the labor force. Civil society groups and local governments conducted training sessions for police and citizens to increase awareness of minority rights and the national and international laws protecting minorities.

Other Societal Abuses and Discrimination.—There were occasional reports of non-violent societal discrimination based on sexual orientation.

There were isolated reports of societal discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution grants the right of association, and the law promotes organization of trade unions and creation of arbitration bodies and protects union leaders and negotiators from workplace discrimination. Unions traditionally organized and operated free of government regulation. Civil servants, employees of state run enterprises, and private-enterprise workers may join unions. Unionization was higher in the public sector (more than 42 percent) than in the private sector (approximately 10 percent).

The constitution provides workers with the right to strike, and workers exercised this right in practice. The Government may legally compel workers to work during a strike if they perform an essential service, which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society."

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right. The law also protects collective bargaining, and it was freely practiced.

Collective bargaining between companies and their unions determines a number of private sector salaries. The executive branch, acting independently, determines public sector salaries.

The law expressly prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities and pay an indemnity to such workers. The Ministry of Labor's Collective Bargaining Division investigates antiunion discrimination claims filed by union members. There were generally effective mechanisms for resolving workers' complaints against employers.

All labor legislation fully covers workers employed in the 12 free trade zones. No unions operated in these zones, but the Government did not prohibit their formation.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that some child labor occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children against exploitation in the workplace, including a prohibition of forced or compulsory labor, and the Ministry of Labor and Social Security is responsible for enforcing it. Enforcement was difficult due to a lack of resources and because most child labor occurred in the informal sector. INAU estimated that 34,000 children were involved in child labor. Some children worked as street vendors in the informal sector or in agricultural activities, areas generally regulated less strictly and where pay was lower than in the formal sector. Although not widespread, there were reports of parents turning their children over to third parties for domestic service or agricultural work in exchange for food and lodging.

The law prohibits minors under the age of 15 from working, and this was generally enforced in practice. Minors between the ages of 15 and 18 require government permission to work and must undergo physical exams to identify possible exposure to job-related physical harm. Permits are not granted for hazardous or fatiguing work. Children between ages 15 and 18 may not work more than six hours per day within a 36 hour work week and may not work between 10 p.m. and 6 a.m.

Violations of child labor laws are generally punishable by fines but may extend to imprisonment of three months to four years.

In June the Montevideo municipal government and INAU launched a combined public awareness campaign to combat child labor in Montevideo. INAU notified bus companies of a ban on children boarding buses to beg or sell items. The Government proclaimed September 12 as a day to raise awareness among elementary school children about child labor.

INAU implemented policies to prevent and regulate child labor and provided training on child labor issues. INAU also worked closely with the Ministry of Labor

and Social Security to investigate complaints of child labor and with the Ministry of Interior to prosecute cases. INAU has seven trained inspectors to handle an estimated 2,000 inspections per year.

e. Acceptable Conditions of Work.—The Ministry of Labor enforces a legislated minimum monthly wage that covers both the public and private sectors. The ministry adjusts the minimum wage whenever it adjusts public sector wages. The monthly minimum wage of 4,150 pesos (approximately \$218) functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels; it did not provide a decent standard of living for a worker and family. The vast majority of workers earned more than the minimum wage.

The standard workweek ranged from 44 to 48 hours per week, depending on the industry, and employers were required to give workers a 36 hour block of free time each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours, entitles workers to 20 days of paid vacation after a year of employment, and prohibits compulsory overtime beyond a maximum 50 hour workweek.

The law protects foreign workers and does not discriminate against them, but official protection requires the companies to report the foreign workers as employees. Many native and foreign workers worked informally and thus did not benefit from certain legal protections.

The Ministry of Labor and Social Security enforced legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions without jeopardy to their employment; the Government effectively upheld this right, but some workers claimed a subsequent loss of other privileges at work based on their refusal to work in unsafe conditions.

VENEZUELA

Venezuela is a constitutional democracy with a population of approximately 26 million. In 2006 voters reelected President Hugo Chavez of the Fifth Republic Movement (MVR). Official observation missions from both the European Union and Organization of American States (OAS) deemed the elections generally free and fair but noted some irregularities. While civilian authorities generally maintained control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

Politicization of the judiciary and official harassment of the political opposition and the media characterized the human rights situation during the year. The following human rights problems were reported: unlawful killings; harsh prison conditions; arbitrary arrests and detentions; a corrupt, inefficient, and politicized judicial system characterized by trial delays, impunity, and violations of due process; official intimidation and attacks on the independent media; discrimination based on political grounds; widespread corruption at all levels of government; violence against women; trafficking in persons; and restrictions on workers' right of association.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces committed unlawful killings, including summary executions of criminal suspects. In the 12 months through September, the human rights nongovernmental organization (NGO) Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 39 deaths resulting from mistreatment while in custody.

PROVEA documented 247 unlawful killings by government security forces from October 2007 through September.

PROVEA recorded four victims of killings allegedly involving police forces in the 12 months through September.

According to PROVEA, on July 4, 19-year-old Roger Oscar Avila was shot and killed by unknown members of the Caracas Metropolitan Police. Avila, who, according to police officials planned to steal a car at gunpoint, was brought to the Perez Carreno Hospital and pronounced dead upon arrival. Avila's family members denied police allegations of attempted auto theft, stating that Avila did not know how to drive a car, let alone steal one.

On July 27, 33-year-old Miguel Baba Barroyeta was placed in custody and sent to the El Rodeo jail. He was shot and killed while in the custody of the National Guard after allegedly insulting a guard.

On October 23, nine Lara state police officers and two National Guardsmen allegedly kidnapped six persons in Lara State and later tortured and killed them execution style in neighboring Portuguesa State. Five of the victims were minors. The killings reportedly were linked to drug turf battles. At year's end the Ministry of Interior and Justice had suspended the nine police officers pending further investigations. Formal charges were brought against the 11 suspects on December 18.

No information was available on the investigation of eight members of the Intervention and Assistance Brigade (BIA), the primary police force of Guarico State, for their involvement in the killing of five men in March 2007.

No information was available in the July 2007 case in which members of the Anzoategui state police killed taxi driver Juan Ernesto Rodriguez.

There were no developments in the so-called 1986 Yumare Massacre.

Prosecutors rarely brought cases against perpetrators of unlawful killings. Sentences frequently were light, and convictions often were overturned on appeal. Members of the security forces charged with or convicted of crimes rarely were imprisoned.

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

Human rights groups claimed that police officers and military officials sometimes disposed of their victims' bodies to avoid investigations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution states that no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports that security forces continued to torture and abuse detainees.

PROVEA reported that in the 12 months prior to September, it received 17 complaints of torture (an increase from 11 the previous year), and 573 complaints regarding cruel, inhuman, and degrading treatment, a decrease from the 692 cases reported in 2007. PROVEA defines "torture" as methods used by state security forces to extract information from victims and "cruel and inhuman treatment" as methods used by members of state security forces in order to punish or intimidate victims. According to PROVEA, on May 29, members of the army from the 32nd Caribbean Brigade in the State of Mongas beat Jean Carlos Rondon in order to extract a confession regarding the theft of a sergeant's firearm. Afterwards, the military members tried to bury his body. According to an autopsy, Rondon died due to the beating he had received. Charges were filed against five military members for the killing.

The Government did not authorize independent investigation of torture complaints. Human rights groups continued to question the attorney general and the human rights ombudsman's commitment to oversee neutral investigations. There was no data available on convictions in cases of alleged torture.

Reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies.

Prison and Detention Center Conditions.—Prison conditions were harsh due to scarce resources, poorly trained and corrupt prison staff, and violence by guards and inmates. The prison-monitoring NGO Venezuelan Prison Observatory (OVP) estimated that existing prisons were designed to hold approximately 60 percent of the estimated 23,300 persons in the national penitentiary system. The OVP estimated that only 34 percent of the prisoner population was formally convicted, while 60 percent was awaiting trial. Severe overcrowding in some prisons and food and water shortages remained problems.

The Government failed to provide adequate prison security. The National Guard and the Ministry of Interior and Justice have responsibility for exterior and interior security, respectively. The OVP estimated that the prison guard force was 10 percent of the required strength. Violence among prison gangs, including shootouts and riots, was common.

PROVEA stated that between January and October, there were 390 deaths and 692 injuries, compared with 498 deaths and 1,023 injuries during 2007. Most inmate deaths resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions. The Capital Yare II penitentiary documented the highest number of death and injuries due to violence, with 20 deaths and 11 injuries in the first half of the year. The Occidental (Uribana) penitentiary recorded there were 18 deaths and 38 injuries in the same time period.

Prisoners also died as a consequence of poor diet and inadequate medical care. The media reported that in the Rodeo I penitentiary, 50 inmates had contracted hepatitis due to unsanitary prison conditions.

In April, 3,000 inmates from three different prisons staged a hunger strike to protest lengthy administrative delays in their cases and inhumane prison conditions.

Inmates often had to pay guards and other inmates to obtain necessities such as space in a cell, a bed, and food. Most prisoners obtained food from their families, by paying prison guards, or in barter with other prisoners. Many inmates also profited from exploiting and abusing others, particularly since convicted violent felons often were held with pretrial detainees or first-time petty offenders. Trafficking in arms and drugs fueled gang-related violence and extortion. Prison officials often illegally demanded payment from prisoners for transportation to judicial proceedings.

Security forces and law enforcement authorities often imprisoned minors together with adults, even though separate facilities existed for juveniles. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were crowded into small, unsanitary cells, fed only once a day, and forced to sleep on bare concrete floors. Women and men generally were held in separate prison facilities. The OVP indicated that, while no prison had good conditions, women's facilities were generally less violent and healthier than those for men.

Human rights observers continued to experience lengthy administrative delays and restricted access to prisons and detention centers.

d. Arbitrary Arrest or Detention.—The constitution prohibits the arrest or detention of an individual without a judicial order; provides for the accused to remain free while being tried, except in specific cases where the laws of the state or individual judges can supersede this provision; and provides that any detained individual has the right to immediate communication with family and lawyers, who, in turn, have the right to know of the detainee's whereabouts.

Role of the Police and Security Apparatus.—The National Guard, a branch of the military, is largely responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior and Justice controls the Scientific, Penal, and Criminalistic Investigative Body (CICPC), which conducts most criminal investigations, and the Office of Intelligence and Prevention Services (DISIP), which collects intelligence within the country and is responsible for investigating cases of corruption, subversion, and arms trafficking. Mayors and governors oversee local and state police forces. Corruption was a major problem among all police forces, whose members were poorly paid and trained. Impunity for corruption, brutality, and other acts of violence were major problems.

In October the Ministry of Interior and Justice reported that 18,313 police officials, or 16 percent of the country's police force, were under investigation for misconduct and alleged human rights violations, including kidnapping, torture, unlawful arrest and detention, and extrajudicial killings stemming from cases filed from 2000–07. In 2007 alone, 1,948 police officers were accused of alleged misconduct, according to the Ministry. The National Organic Police Law was passed in April 2007. This law created a national police force; however, there have been no efforts to staff this organization. In January the Caracas Metropolitan Police Force was placed under the authority of the Ministry of Interior and Justice.

Some local police forces offered human rights training for their personnel. During the year the Chacao borough of Caracas again provided mandatory human rights training to all new recruits. Amnesty International worked with the municipality to offer workshops on how to process cases of domestic violence.

Arrest and Detention.—A warrant is required for an arrest or detention. A detention is possible without an arrest when the individual is caught in the act of committing a crime. Persons were sometimes apprehended openly without warrants from judicial authorities. Detainees must be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of the detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime nor for longer than two years, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. Detainees were promptly informed of the charges against them.

Although there is a functioning system of bail, it is not available for certain crimes. Bail also may be denied if a person is apprehended in the act of committing a crime or if a judge determines that there is a danger that the accused may flee or impede the investigation. Detainees were provided access to counsel and family members.

e. Denial of Fair Public Trial.—While the constitution provides for an independent judiciary, judicial independence remained compromised. The judiciary also was high-

ly inefficient, sometimes corrupt, and subject to political influence, particularly from the Attorney General's Office, which in turn was pressured by the executive branch.

The judicial sector consists of the Supreme Court and lower courts, the Attorney General's Office, and the Ministry of Interior and Justice. The Supreme Court is the country's highest court and directly administers the lower courts through the Executive Directorate of the Judiciary.

According to the NGO Foro Penal, almost 40 percent of the judges were provisional and temporary. The Supreme Court's Judicial Committee may hire and fire temporary judges without cause and without explanation, and it did so. Provisional judges legally have the same rights and authorities as permanent judges. The provisional and temporary judges, lacking tenure in their profession, particularly were subject to political influence from the Ministry of Interior and Justice and the attorney general.

The law provides that the Moral Council (attorney general, human rights ombudsman, and comptroller general) may suspend judges and allows the National Assembly to revoke the appointment of Supreme Court judges by a simple majority vote.

Lower court judges hear pretrial motions, including prosecution and defense motions, prior to criminal cases going to trial judges. Executive judges oversee the application of sentences. Appeals courts, consisting of three-judge panels, review lower court decisions. The attorney general oversees the prosecutors who investigate crimes and bring charges against criminal suspects.

In accordance with President Chavez's December 2007 amnesty decree, the charges against governor-elect of Miranda State Henrique Capriles Radonski, for his alleged involvement in the arrest of Ramon Rodriguez Chacin, were dropped. In October the courts reopened the case against Capriles related to a violent demonstration in 2002 outside the Cuban Embassy.

In March an ex-prosecutor accused former attorney general Isaías Rodriguez of altering witness testimony and falsely implicating critics of the Government in the Danilo Anderson case. Anderson was a high-profile prosecutor killed in a car bomb explosion in November 2004. The Government's one-time key witness, Giovanni Vasquez, told the media that Rodriguez paid him 1,075,000 Bs.F (approximately \$500,000) to present false testimony in the case. The Government reportedly reopened the case following the allegations against Rodriguez.

Trial Procedures.—The law provides for open, public, and fair trials with oral proceedings for all individuals. The accused have the right to be present and consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage of public defenders. Defendants have the right to question witnesses against them and present their own witnesses. The accused and their attorneys do not necessarily have access to government-held evidence. Defendants are considered innocent until proven guilty. Defendants and plaintiffs have the right of appeal.

Trial delays were common. A professional judge and two lay judges try serious cases; a single judge may hear serious cases if requested by the defendant or victim or if attempts to appoint lay judges have failed. Difficulty in finding persons willing to serve as lay judges also resulted in delays.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts.

Political Prisoners and Detainees.—There were an estimated 12 political prisoners in the country. In some cases the political prisoners were held in distinct penal facilities, including DISIP installations and the Ramo Verde military prison. The International Committee of the Red Cross was permitted access to these political prisoners.

In December 2007 President Chavez decreed a partial amnesty for persons implicated in the drafting or signing of the 2002 Carmona Decree, which recognized an interim government during the 2002 coup against Chavez, and in a series of enumerated acts surrounding the coup. Human rights organizations welcomed the measure but urged Chavez to broaden the amnesty to include all those accused of involvement in the events of 2002 and to all implicated in political crimes.

Retired army General Francisco Uson remained free on conditional release from Ramo Verde after being released in December 2007. Uson served three years and six months for allegedly "defaming" the army. The conditions for his release included not traveling outside of greater Caracas and reporting before a judge every 15 days. He was also prohibited from participating in demonstrations or commenting on his case to the media.

Former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lazaro Forero, along with eight other police officers, remained imprisoned without conviction, stemming from charges of being accomplices to murder com-

mitted during the events related to the civil disturbances in 2002. The three commissioners were held in DISIP installations, while the eight other police officers were in Ramo Verde. On January 16, a judge denied a motion to dismiss the charges under President Chavez's December 2007 amnesty decree. The ruling followed statements by Chavez and Attorney General Luisa Ortega Diaz that the accused were not eligible to benefit from the amnesty.

In September 2007 government officials imprisoned and accused Jose Sanchez "Mazuco," former chief of security for Zulia State, which is controlled by opposition governor and former presidential candidate Manuel Rosales, in connection with the killing of Claudio Macias, a Military Intelligence Police (DIM) informant who was jailed at the time. Prosecutors contended that Sanchez authorized the hanging of Macias. Sanchez remained in custody at the Ramo Verde military prison at year's end.

Civil Judicial Procedures and Remedies.—There were separate civil courts that permitted citizens to bring lawsuits seeking damages. Like all courts in the country, however, the civil elements of the judiciary remained subject to strong executive control.

There were administrative remedies available, but they were generally inefficient. The most common consumer-protection mechanism is the Institute for the Defense of the Consumer and the User (INDECUI), which falls under the rubric of the Ministry of Light Industry and Commerce. INDECUI used reconciliation, mediation, and arbitration to settle disputes and was empowered to sanction the providers of goods and services who violated the law.

Other entities that provided administrative or civil remedies included the superintendencies of banks, free competition, insurance, leasing, and securities.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution provides for the inviolability of the home and personal privacy; however, in some cases security forces infringed on citizens' privacy rights by searching homes without warrants, particularly targeting the homes of opposition leaders.

On December 12, according to media reports, two men dressed in the uniforms of officers of the Scientific and Criminal Investigative Police (CICP) brutally attacked former gubernatorial candidate Lenny Manuitt in her San Juan de los Morros home. The attackers forced entry into her home and repeatedly punched and kicked her. An investigation was pending at year's end.

On September 10, DIM personnel and officials from the Military Prosecutor's Office forcibly searched the home of former Defense Minister and government critic Raul Baduel, citing his alleged involvement in the misappropriation of funds during his tenure. DIM officials forcibly detained Baduel for questioning on October 3, citing similar allegations. He was later released with a prohibition against leaving the country and speaking to the media and a requirement to appear before a military court every 15 days.

The Government was complicit with others, including National Assembly deputy Luis Tascon, in maintaining the "Tascon" and "Maisanta" Lists, which were used to identify and punish persons who signed a petition to hold a recall referendum on President Chavez. Human rights NGOs noted that persons listed were often ineligible to receive government jobs or services.

NGOs expressed concern over official political discrimination against, and firing of, state employees whose views differed from those of the Government. According to PROVEA, the Government used coercion and the threat of dismissal to compel state employees to attend partisan political functions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the combination of laws governing libel and broadcast media content, legal harassment, and physical intimidation of both individuals and the media resulted in practical limitations on these freedoms and a climate of self-censorship. The Government employed a variety of mechanisms—legal, economic, regulatory, judicial, physical, and rhetorical—to harass the private media and engender an environment of intolerance towards a critical press.

The president preempted broadcasting on the nation's airwaves to present hours-long government programs several times a week. The law mandates that all free-to-air television and national radio networks air these programs, called "cadenas," in real time and uninterrupted. Independent media observers criticized the state media for extreme pro-government politicization. As of August 31, there were 89 "cadenas," which tended to average more than one hour, some lasting up to six hours. The Government media was used almost exclusively to promote the Socialist

Party of Venezuela (PSUV), which is headed by Chavez, and publicly harass opposition figures.

Government officials, in some instances including Chavez, used government-controlled media outlets to air unsubstantiated accusations against private media owners, including Alberto Federico Ravell, director of all-news cable television network Globovision; Miguel Henrique Otero, director of El Nacional newspaper; and Andres Mata, director of El Universal, alleging that they were fomenting destabilization campaigns and coup attempts against the Government.

On May 27, state-owned television network Venezolana de Television (VTV) issued a communique requiring private media outlets to pay a fee of 120 Bs.F (approximately \$56) per second, or more than 430,000 Bs.F (\$200,000) per hour, to retransmit VTV television footage beginning June 1. After media watchdog organizations and private media outlets reacted negatively to the high costs of retransmission and the lack of prior notification, VTV retracted its notification on May 29.

On September 11, Minister of Interior and Justice Tarek El-Aissaini claimed intelligence bodies had detected a plot against Chavez and implicated "businessmen, the 2-D Movement [civil society group headed by the director of one of the country's leading newspapers], and military officials."

On September 23, a pro-government organization known as the La Piedrita Collective fired tear gas canisters at Globovision's headquarters. Following the incident Lina Ron, leader of the Popular Unity for Venezuela Party (UPV), a small, radical, political party that supports Chavez, told the media that UPV and "La Piedrita" declared Ravell and Globovision "military objectives of the Venezuelan popular militias." On December 1, "La Piedrita" members hurled tear gas canisters at the home of opposition radio commentator Marta Colomina.

In early November the National Telecommunications Regulatory Agency (CONATEL) launched an investigation against Globovision in early November for its October 30 transmission of the show Hello Citizen, in which guest Rafael Poleo, editor of the opposition daily El Nuevo Pais, said that Chavez "would end up like Mussolini." CONATEL filed suit against the network three days later, alleging that it was promoting the assassination of President Chavez.

On November 24, CONATEL announced that it would also investigate Globovision for allegedly inciting violence by airing a speech by Carabobo state-governor elect Henrique Salas Feo during which he called on supporters to march to local election headquarters to demand the release of regional election results. Globovision president Guillermo Zuloaga responded in a December 1 communique that any sanction against the network must be seen as a legal abuse.

The Venezuelan Press Association issued a December 1 communique calling on the Venezuelan public to defend Globovision. On December 5, the National Journalist Association provided a written statement alleging that "the Government is waging a political offensive through the coercive bodies of the state to frighten both the opposition and people who are not aligned with its interests and goals."

The Government denied private media equal access to many official events, and in cases when private media had access to government facilities, they often did not have access to officials and information. For example, only the Government radio and television stations were authorized to have reporters at the presidential palace. State-controlled television and radio stations and many foreign news reporters continued to have full access to official events.

Amendments to the penal code in 2005 make insulting the president punishable by six to 30 months in prison and eliminate bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by one-to three-year prison sentences and a fine. Inaccurate reporting that disturbs the public peace is punishable by a prison sentence of two to five years. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

The law requires that practicing journalists have journalism degrees and be members of the National College of Journalists, and it prescribes three-to six-month jail terms for those who practice journalism illegally. These requirements were waived for foreigners and opinion columnists. Members of the college expressed the fear that the Government was monitoring their activities.

The Media Law of Social Responsibility gives the Government wide powers to impose heavy fines and cancel broadcasts. CONATEL, under the Ministry of Communications and Information, oversees the application of the law. Media observer organizations called on the Government to appoint an independent body to regulate the implementation of the law.

In March the Inter-American Press Association condemned the country's record on press freedom, stating that the Government was exercising a "deliberate campaign" against freedom of expression. In its annual report on freedom of the press,

Freedom House categorized the country as “not free,” citing worrisome patterns of decline in press freedom.

On June 2, the vice president of *Reporte Diario de la Economía*, Pierre Fould Gerges, was killed while riding in his brother's vehicle in Caracas. It was widely speculated that the likely target of the attack was Gerges' brother, the president of *Reporte*, who was not in the vehicle at the time.

The independent print media regularly engaged in self-censorship due to fear of government reprisal and in order to comply with laws regulating the media. The country's major newspapers were independently owned but heavily dependent on government advertising. In regions where local newspapers competed for the same audience and a smaller pool of advertisers, print media tended to exercise even more caution in order to secure financing from government sources. The Government published one national newspaper, *Diario Veja*, with a relatively low circulation.

On July 26, Maracaibo city officials assaulted journalists Dayana Fernandez and Luis Torres from *La Verdad* newspaper in Zulia State following an interview with the Municipal Environmental Secretary. The officials confiscated the journalists' cameras, tape recorders, and phones. They were allegedly beaten and held for more than two hours by the officials.

On September 29, unknown assailants opened fire on columnist Eliecer Calzadilla. Calzadilla was shot in the neck, severing a vertebra. He had contributed to the regional newspaper *Correo del Caroni* for more than 20 years and criticized corruption and government abuses in Bolivar State. Reporters Without Borders called on local authorities to investigate the attack. At year's end there was no information available regarding an investigation.

In December progovernment supporters attacked Valencia journalist Maria Teresa Guedes following a state legislative session in Carabobo. Local media reported that she was thrown to the ground and repeatedly kicked by the assailants. The attack allegedly occurred in the presence of National Guard members, who did not intervene.

The Government used radio license concessions in a discriminatory fashion. In more than 80 percent of the cases where broadcasting concessions had expired or nearly expired, CONATEL issued these retroactively or with a validity for fewer years than previous licenses. Media NGOs criticized the Government's tardy issuance of licenses, asserting this was employed to close radio stations critical of the Government for operating illegally. NGOs also argued that shorter license periods meant radio stations would have to undergo government review on a more frequent basis, increasing the risk of government-imposed closures.

Some commercial radio stations complained that broadcasting frequencies for community radios were not allocated in accordance with broadcast regulations. The Government reportedly funded several community stations, whose broadcasting was progovernment.

Government officials and military police forcibly closed two radio stations in Guarico State that did not support the PSUV candidate, William Lara, and confiscated their equipment.

On June 23, CONATEL temporarily took radio station Maxima 99.5 in Guayana State off the air for allegedly violating the Law of Social Responsibility in Radio and Television.

The country's nonsubscription broadcast media was largely government owned. The Government operated seven channels with nationwide coverage.

Internet Freedom.—The International Telecommunication Union reported that in 2007 approximately 21 percent of the population accessed the Internet. There were no government restrictions on access to the Internet and individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Some media NGOs expressed concern that following its nationalization of the Autonomous National Telephone Company of Venezuela (CANTV), a major telephone and Internet provider, the Government monitored e-mails and Web searches.

Academic Freedom and Cultural Events.—There were no reported government restrictions on academic freedom or cultural events. Several proposed revisions to the constitution that would have reduced the autonomy of the education system were rejected in the December 2007 constitutional referendum. However, the Government attempted unavailingly to reintroduce these measures to teach “socialist principles.”

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, and the Government generally respected this right in practice. PROVEA noted that at least 265 injuries resulted from security force interventions in peaceful demonstrations during the year, compared with 536 in 2007.

Human rights groups continued to criticize the 2005 penal code revision for the strict penalties it imposes on some forms of peaceful demonstration. PROVEA continued to express concern over the law's "criminalization" of protests. Foro Penal's 2006 official complaint before the Supreme Court challenging the legality of this measure had not been heard by year's end.

Government supporters sometimes disrupted marches and rallies. Supporters and opponents of the Government demonstrated in the capital and other cities during the year.

Persons arrested by the Metropolitan Police and the National Guard during the May-June 2007 protests were released; however, an unconfirmed number of minors were still required to come before a judge every 15 days.

Freedom of Association.—While the constitution provides for freedom of association and freedom from political discrimination, the Government only partially respected this right. Although indicating that they generally operated without interference, professional and academic associations complained that the National Electoral Council (CNE) repeatedly interfered with their attempts to hold internal elections. The Venezuelan Workers' Confederation (CTV) claimed that the CNE continued to hinder the efforts of its affiliate unions to hold elections.

A September report published by Human Rights Watch (HRW) stated that the Chavez administration systematically engaged in political discrimination. According to HRW, "Government officials have removed scores of detractors from the career civil service, purged dissident employees from the national oil company, denied citizens access to social programs based on their political opinions, and denounced critics as subversives deserving of discriminatory treatment."

c. Freedom of Religion.—The constitution provides for freedom of religion, on the condition that its practice does not violate public morality, decency, or the public order, and the Government generally respected this right in practice. There were some efforts by the Government, motivated by political reasons, to limit the influence of religious groups in certain geographical, social, and political areas.

On November 4, the Supreme Court ruled that the rights of New Tribes Mission of Venezuela (NTM) had not been violated by the resolution issued by the Ministry of Interior and Justice in 2005 that gave NTM 90 days to remove its personnel from all indigenous areas. NTM believed the Government resolution to be unconstitutional and had sought to have it overturned by the Supreme Court. In a written statement NTM agreed to accept the decision of the Court and stated it would not attempt any further appeals of the case.

On December 12, authorities discovered the decapitated bodies of an Evangelical preacher, Jean Carlos Salazar, his wife, and daughter in their home in the town of San Jose de Guanipa, after the fire brigade extinguished a fire in the house. Investigators indicated that the inside walls of the house had been painted with slogans suggesting a connection to an unknown satanic cult, and that the fire apparently was set to cover up the killings.

The Directorate of Justice and Religion in the Ministry of Interior and Justice maintains a registry of religious groups and disburses funds to religious organizations. Registration is required for legal status as a religious organization.

Foreign missionaries require a special visa to enter the country, and they noted increased difficulties, including refusals for first-time religious visas and, less frequently, renewals. The Government continued to prohibit foreign missionary groups from working in indigenous areas.

Societal Abuses and Discrimination.—President Chavez engaged in numerous rhetorical personal attacks on specific Catholic bishops and the Papal Nuncio. He warned Catholic bishops to refrain from commenting on political issues.

On February 27, Chavez supporters temporarily occupied the Archbishop's Residence in Caracas. They accused Catholic Church leaders of hindering the president's political project and criticized the "counter-revolutionary" Papal Nuncio for giving refuge to student leader Nixon Moreno.

On December 26, President Chavez, in reaction to Cardinal Jorge Urosa's criticism of a proposed constitutional amendment to eliminate presidential term limits, called Urosa immoral and suggested that the country's only Cardinal leave his position as head of the Church for publicly expressing his political opinion.

There were more than 15,000 Jews in the country. In August President Chavez met with a delegation of international and local Jewish leaders to discuss issues of concern to the Jewish community.

Despite President Chavez's overture to Jewish leaders, government institutions and officials and government-affiliated media outlets promoted anti-Semitism through numerous anti-Semitic comments. These actions created a spillover effect into mainstream society, which witnessed a rise in anti-Semitic vandalism, carica-

tures, and expressions at rallies and in newspapers. The host of *The Razorblade*, a progovernment talk show on state television, made frequent anti-Semitic slurs, and *Diario Vea* regularly published anti-Semitic comments. Incidents of spraying of graffiti, intimidation, vandalism, and other physical attacks against Jewish institutions were frequent.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, although there were numerous reports that persons were denied passports and other official documents by government agencies for having signed the petition for the 2004 recall referendum. Extremely long waits for issuance of passports often had the effect of restricting freedom of foreign travel. In at least seven instances since September, immigration and DISIP officials requested that critics of the Government surrender their passports for “secondary” review at the international airport in Caracas. These authorities canceled one passport, that of Heinz Sonntag, a member of the 2-D civil society prodemocracy movement.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers.

The law prohibits forced exile, and it was not used.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government refused to provide safe passage out of the country to student leader and government opponent Nixon Moreno. The Holy See granted Moreno political asylum in June, 15 months after Moreno sought refuge inside the Vatican’s diplomatic mission following harassment by the state-controlled media. The Government accused Moreno of fomenting violence during violent student elections at the University of the Andes in Merida.

The UNHCR reported 11,320 applicants for refugee status in the country as of September, 1,172 of whom were recognized as refugees by the Government. UNHCR estimated that there were an additional 200,000 persons in need of international protection.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The National Committee for Refugees had extremely limited physical and human resources to address refugee issues, in addition to a lengthy process for examining individual refugee applications.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—In 2006 voters reelected Hugo Chavez as president in elections that observers deemed to be generally free and fair, although observation missions noted some irregularities.

The December 2007 referendum on a reform package of 69 proposed changes to the 1999 Constitution was deemed largely free and fair, but leaders of the antireform bloc noted some irregularities. Voters narrowly defeated the reform package, including the elimination of presidential term limits, in the referendum. In November President Chavez announced that he would seek to amend the constitution to eliminate presidential term limits.

The November 23 nationwide state and local elections were deemed largely free and fair, although electoral nongovernmental organizations noted some irregularities, such as prohibited election-day campaigning and extended polling hours in progovernment neighborhoods.

Prior to the elections, the comptroller declared some 272 current and former public officials ineligible to run for office based on administrative sanctions. These measures disproportionately affected the opposition, including several prominent opposition candidates. Opposition leaders complained that the Government used state resources, particularly government media outlets, to support the PSUV candidates.

There were 29 women in the 167-seat assembly, five women in the 27-member cabinet, and 10 women among the 32 justices on the Supreme Court.

The constitution reserves three seats in the National Assembly for indigenous people, which were filled in the 2000 election and remained occupied during the year. There is one indigenous member in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for criminal corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The World Bank's worldwide governance indicators reflected that government corruption was a problem. There was a perception of widespread corruption at all levels of the Government. Journalists reported several cases of apparent corruption implicating high-level government officials, but none were investigated.

The law provides for citizens' access to government information. Human rights groups reported that the Government routinely ignored this requirement and did not make information available.

The Episcopal Conference of Venezuela (CEV) expressed formal opposition to 26 decrees enacted by the president on July 31, the last day authorized by the National Assembly to enact decrees, as "apparently unconstitutional." The mid-summer last-minute issuance did not allow for review by citizens.

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

A wide variety of independent domestic and international human rights groups generally operated with some government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Major domestic human rights NGOs that operated independently from the Government included the Committee for the Victims of the Events that Occurred Between February and March 1989 (COFAVIC), PROVEA, Network of Assistance, and the OVP.

Many NGOs reported threats, physical attacks, and harassment, especially in a climate of possible criminalization of receipt of foreign funding. Human rights organizations expressed concern that President Chavez's proposed constitutional amendment to regulate international support for organizations with "political goals" would be used to deny NGOs foreign funding opportunities and limit nongovernmental activities in the country.

On September 18, the Government expelled Jose Miguel Vivanco, Director of the Americas Bureau for HRW, and Daniel Wilkinson, also from HRW, after they publicly released a special HRW report on the state of democracy and human rights in Venezuela which was critical of the Chavez administration. Police officials apprehended the two men at their hotel, after entering and searching their rooms, and placed them on a flight to Brazil. Government officials accused Vivanco and Wilkinson of illegal involvement in the country's internal affairs and of violating the country's constitution.

In December the Supreme Court formally rejected and criticized a judgment by the binding Inter-American Court on Human Rights seeking reinstatement of three Venezuelan judges from the First Court of Administrative Disputes. In August the court ruled that the removal of the judges in 2003 was a violation of their right to due process and ordered the Government to adopt specific measures of reparation, including reinstatement and compensation.

According to a 2007 report by the Catholic Church's Office on Human Rights, incidents of threats against human rights defenders were reported throughout the year.

Jose Luis Urbano, president of the Foundation for the Defense of the Right to Education, and other members of the foundation were targeted repeatedly and received death threats after having publicly condemned corruption and violations of the right to free education. After he was shot in the stomach in February, Urbano was given temporary police protection while he was a patient in the hospital. As a result of the persistent threats and attacks on his life, Urbano had to leave his home and change his addresses repeatedly. Despite a request for protection made to the Public Prosecutors Office on June 18, no protection measures to ensure the safety of Urbano, his family, and other members of the foundation were put in place.

COFAVIC's executive director continued to operate under threats of personal harm despite a measure by the Inter-American Court of Human Rights granting her a security detail.

OVP's director received numerous death threats during the year.

Although the ombudsman is responsible for ensuring that citizens' rights are protected in a conflict with the state, human rights NGOs claimed that the Ombudsman's Office was not independent, rarely acted on public interest cases, and was named by the National Assembly in December 2007 in a nontransparent process.

The National Assembly's Subcommittee on Human Rights played an insignificant role in the national debate on human rights.

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

Although the law prohibits discrimination based on race, gender, disability, language, or social status, discrimination against women, persons with disabilities, and indigenous people was a problem.

Women.—The law prohibits rape, including spousal rape, but it remained a problem. Rape is punishable by prison terms of eight to 14 years, although cases often were not reported to the police. A man guilty of raping a woman may avoid punishment if he marries the victim before sentencing. There were no reliable statistics on incidence of, or prosecution or convictions for, rape.

The law prohibits domestic violence, and violators faced penalties of six to 18 months in prison. Violence against women continued to be a problem, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence. The Organic Law on the Right of Women to a Life Free of Violence, enacted in March 2007, criminalizes physical, sexual, and psychological violence in the home, the community, and at work; trafficking; forced prostitution; sexual harassment; and slavery. It also establishes tribunals specializing in cases of gender-based violence.

According to the Pan American Health Organization, 70 percent of women killed in the country were killed by their husbands, boyfriends, or ex-partners. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify the authorities when they admit patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence, and the courts rarely prosecuted those accused of such abuse. Women generally were unaware of legal remedies and had little access to them. The Government sought to combat domestic violence through a public awareness campaign and a national victim assistance hot line administered by the Government's National Women's Institute. The hot line continued to enjoy much success. There were no reliable statistics on the incidence of, or prosecution or convictions for, domestic violence.

Prostitution is legal. While there was no government information on the extent of prostitution, the local anti-trafficking NGO Association of Women for Welfare and Mutual Help noted that prostitution was a serious problem, particularly in Caracas and domestic tourist destinations.

Sexual harassment is illegal and punishable by a prison sentence of six to 18 months. Sexual harassment was common in the workplace but rarely reported.

Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. According to the Ministry of Labor and the CTV, these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. The National Institute for Women, a government agency, worked to protect women's rights.

The law provides women with property rights equal to men's. In practice, however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children.—According to UN Children's Fund (UNICEF) thousands of children in Venezuela have not been officially registered at birth.

Reports of child abuse were rare due to a fear of entanglement with the authorities and ingrained societal attitudes regarding family privacy. According to UNICEF and NGOs working with children and women, child abuse, including incest, often occurred at home. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

The human rights NGO For the Rights of Children and Adolescents estimated that 15,000 children lived on the street. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to cope with this problem. Because reform institutions were filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers. The Government's social service mission, known as Mision Negra Hipolita provided assistance to street children and the homeless. In 2007 the mission provided assistance to more than 2,790 street children, according to the NGO Community Center for Apprenticeship.

Trafficking in Persons.—Although the constitution prohibits slavery or servitude and the law prohibits transnational trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

The country was reported to be a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. An underdeveloped legal framework, economic conditions, and the ease with which fraudulent passports, identity cards, and birth certificates could be obtained created favorable conditions for trafficking. No statistics on trafficking were available from government or NGO sources.

Women and children from Brazil, Colombia, Peru, Ecuador, the Dominican Republic, and the People's Republic of China were trafficked to and through the country and subjected to commercial sexual exploitation or forced labor. Citizens were trafficked internally and to Western Europe, particularly Spain and the Netherlands, and to countries in the region such as Mexico, Aruba, and the Dominican Republic for commercial sexual exploitation. The country was a transit country for undocumented migrants from other countries in the region—particularly Peru and Colombia—and for Asian nationals, some of whom were believed to be trafficking victims. Subgroups particularly at risk included women and children from poor areas.

Organized criminal groups were widely believed to be involved in trafficking women and children to and through the country. Traffickers traveled to transport victims to large urban centers or resort destinations. In many cases traffickers placed ads for models in regional newspapers and then lured respondents to Caracas under false pretenses of employment.

Trafficking may be prosecuted under criminal laws against forced prostitution and trafficking, with penalties of up to 20 years for using force to coerce a victim to perform a sexual act for a third person, and under a law to protect children, with fines of one to 10 months' income for trafficking in children and two to six years' imprisonment for trafficking a child abroad. The Organized Crime Law provides for sentences of 10 to 15 years if the victim of trafficking or smuggling for labor or sexual exploitation is an adult, or 10 to 18 years if the victim is a child or adolescent.

Government efforts to combat trafficking are the responsibility of the public prosecutor's Family Protection Directorate, the National Institutes for Women and Minors, and the Ministry of Interior and Justice's Crime Prevention Unit. Enforcement efforts generally were limited.

In some cases the Government provided trafficking victims with psychological and physical examinations. It did not, however, operate shelters for victims of trafficking. Several NGOs complained that they lacked government support and cooperation to assist victims, although the Government operated a hot line and conducted information campaigns to prevent future trafficking cases.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services. Persons with disabilities had minimal access to public transportation, and ramps practically were nonexistent, even in government buildings. The law requires that all newly constructed or renovated public parks and buildings provide access and prohibits discrimination in employment practices and in the provision of public services; however, the Government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities.

Indigenous People.—Although the law prohibits discrimination based on ethnic origin, members of the country's indigenous population suffered from inattention to, and violation of, their rights. There were approximately 300,000 indigenous people in 27 ethnic groups. Many indigenous people were isolated from urban areas, lacked access to basic health and educational facilities and suffered from high rates of disease. In the Amacuro Delta, for example, an unknown epidemic (assumed to be similar to woodland rabies) killed 39 members of the Warao tribe. The Government included indigenous people in its literacy campaigns, in some cases teaching them to read and write in their own languages, as well as in Spanish.

The law creates three seats in the National Assembly for indigenous deputies and also provides for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, local political authorities seldom took account of the interests of indigenous people when making decisions affecting their lands, cultures, traditions, or the allocation of natural resources. Few indigenous people held title to their land, and many did not want to do so because most indigenous groups rejected the concept of individual property. Instead, they

called on the Government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group.

According to PROVEA, the process of government demarcation of indigenous land and habitat has stalled, resulting in only 1.6 percent of indigenous communities benefiting from the 2005 government-sponsored initiative. The Perija Sierra particularly experienced frequent violations of the rights of the indigenous Yukpa as conflict between cattle ranchers/landowners and the indigenous residents continued.

Other Societal Abuses and Discrimination.—There were no reliable statistics on societal violence or discrimination based on sexual orientation.

According to the NGO Citizen Action Against AIDS, persons diagnosed with HIV/AIDS frequently were discriminated against at the workplace and often were refused access to government health services.

Section 6. Worker Rights

a. The Right of Association.—While the law provides that all private and public sector workers (except members of the armed forces) have the right to form and join unions of their choice, the Government continued to violate these rights. Approximately 10 to 12 percent of the 12 million-person labor force was unionized. As of August only 53,800 persons were covered under collective bargaining agreements, a sharp decline from previous years.

Nevertheless, the number of recognized trade union organizations increased. The Government asserted that it had registered 629 trade union organizations in 2007 and 433 trade union organizations during the first seven months of the year.

The CNE has the authority to administer internal elections of labor confederations. Labor unions complained of long delays in obtaining CNE certification of their elections.

Although the law recognizes the right of all public and private sector workers to strike in accordance with conditions established by labor law, public servants may strike only if the strike does not cause “irreparable damage to the population or to institutions.” Replacement workers are not permitted during legal strikes, and the president may order public or private sector strikers back to work and submit their disputes to arbitration if the strike “puts in immediate danger the lives or security of all or part of the population.”

The Government had not resolved any additional cases involving 19,000 PDVSA employees who were fired during and after the 2002–03 national strike, beyond those resolved in 2006. The Government continued to deny the former workers severance and pension benefits, as well as access to company housing, schools, and medical clinics.

The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of oil workers who were later fired for participating in the 2002–03 national strike.

The International Trade Union Confederation (ITUC) 2008 Annual Survey of violations of trade union rights indicated that labor conflicts related to recruitment practices in the construction and oil sectors and, to a lesser extent, in basic industries generated acts of violence ranging from physical and verbal assaults to killings. According to PROVEA, in the period between September 2007 and October 2008, at least 42 workers, including 19 union leaders, were affected by violence. The ITUC report also stated that the president called on trade unions to join the PSUV.

b. The Right to Organize and Bargain Collectively.—The law provides that all public and private sector workers have the right to conduct their activities without interference and protects collective bargaining. The law stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers. The International Labor Organization (ILO) has objected to this provision and requested that the Government amend it so that “in cases where no union organization represents an absolute majority of workers, minority organizations may jointly negotiate a collective agreement on behalf of their members.”

According to union leaders, the Government organized groups of parallel construction unions to attack and intimidate construction workers affiliated with the CTV to gain control of lucrative construction projects. According to PROVEA, 29 reported deaths were associated with union clashes from October 2007 through September.

The 2008 ITUC Annual Survey of violations of trade union rights notes that an employee of Petratel reported that 243 collective agreements had not been signed in the public sector and that the leader of the national center, the National Workers’ Union, stated that the framework agreement for the public administration has not been discussed for 27 months and one covering Labor Ministry employees has not been discussed for 16 years. The survey noted that the workers’ representative in the People’s Front estimated that 3,500 collective agreements were not being dis-

cussed. The teachers' union, called the Venezuelan Teachers' Federation, and its 27 affiliated organizations lodged a formal complaint with the ILO to request that the state restore its collective bargaining rights, which were blocked in 2006.

There are no special laws or exemptions from regular labor laws in the sole export processing zone of Punto Fijo, Falcon State.

c. Prohibition of Forced or Compulsory Labor.—While the law prohibits forced or compulsory labor, including by children, there were reports of trafficking in children for employment purposes, particularly in the informal economic sector.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal sector. The Community Center of Apprenticeship, a domestic NGO promoting the rights of children, estimated that there were approximately one million minors working and that a large percentage of them did not receive the salary and benefits due to them under the law; however, a 2006 study by Understanding Children's Work, a child labor research program sponsored by the ILO, UNICEF, and the World Bank, found that approximately 130,000 children ages 10 to 14 were working in the country. Children most frequently worked in agriculture, retail trade, hotels, restaurants, manufacturing, and community and social services.

The law sets the minimum employment age at 14. The law permits children ages 12 to 14 to work only if the National Institute for Minors or the Ministry of Labor grants special permission; children ages 14 to 16 may not work without the permission of their legal guardians. Those under 16 years of age may by law work no more than six hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. Minors may not work in mines or smelting factories, in occupations that risk life or health or could damage intellectual or moral development, or in public spectacles. Fines are established for employing children ages eight to 11, and for employing a 12 or 13 year-old without a work authorization. Employing a child younger than eight years of age is punishable by one to three years' imprisonment. Employers must notify authorities if they hire a minor as a domestic worker.

The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly or for profit, it is punishable by three to six years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to five years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim. The production and sale of child pornography is prohibited, and the law establishes penalties of 16 to 20 years' imprisonment for this crime. The law establishes sentences of one to three years' incarceration for forced child labor. There were no substantiated reports that these penalties were enforced.

The Ministry of Education, Culture, and Sports ran educational programs to reincorporate school dropouts and adults into the educational system; however, there was no independent accounting of the effectiveness of the programs.

e. Acceptable Conditions of Work.—On April 30, President Chavez announced a 30 percent increase in the monthly minimum wage and in all public sector employees' salaries to 799 Bs.F (approximately \$372). The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor enforced minimum wage rates effectively in the formal sector, but approximately 50 percent of the population worked in the informal sector, where labor laws and protections generally were not enforced.

The law stipulates that the work week may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed two hours daily, 10 hours weekly, or 100 hours annually and may not be paid at a rate less than time-and-one-half. The ministry effectively enforced these standards in the formal sector.

While the constitution provides for secure, hygienic, and adequate working conditions, authorities conducted infrequent inspections to implement the Health and Safety Law. Employers are required to report work-related accidents, and the law obligates employers to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible for the injury. Workplaces must maintain "sufficient protection for health and life against sickness and accidents," and penalties range from one quarter to twice the minimum monthly salary for first infractions. In practice

ministry inspectors seldom closed unsafe job sites. Under the law workers may remove themselves from dangerous workplace situations without jeopardy to continued employment.

APPENDIX A

Notes on Preparation of the Country Reports and Explanatory Notes

The annual Country Reports on Human Rights Practices are based on information available from a wide variety of sources, including U.S. and foreign government officials, victims of human rights abuse, academic and congressional studies, and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. We find particularly helpful, and make reference in the reports to, the role of NGOs, ranging from groups within a single country to those that concern themselves with human rights worldwide. While much of the information that we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources. This report reflects the Department of State's assessments and concerns with respect to the human rights situation around the world. The Department of States does not use sources or information it believes lack credibility.

By law, the Secretary of State must submit the Country Reports to Congress by February 25. The Country Reports cover respect for human rights in foreign countries and territories worldwide; they do not purport to assess any human rights implications of actions by the United States Government or its representatives, nor do they consider human rights implications of actions by the United States Government or of coalition forces in Iraq or Afghanistan. To comply with the congressional requirement for the reporting of human rights practices, we provide guidance to U.S. diplomatic missions in July for submission of draft reports in September and October, which we update at year's end as necessary. Other offices in the Department of State provide contributions, and the Bureau of Democracy, Human Rights and Labor prepares a final draft. Due to the submission deadline, the report may not reflect developments that became known only after the end of the year. We make every effort to include references to major events or significant changes in trends.

We have attempted to make the reports as comprehensive, objective and uniform as possible in both scope and quality of coverage. We have paid particular attention to attaining a high standard of consistency in the reports despite the multiplicity of sources and the problems associated with varying degrees of access to information, structural differences in political, legal, and social systems.

Evaluating the credibility of reports of human rights abuses is often difficult. Most governments and opposition groups deny that

they commit human rights abuses and sometimes go to great lengths to conceal any evidence of such acts. There are often few eyewitnesses to specific abuses, and they frequently are intimidated or otherwise prevented from reporting what they know. On the other hand, individuals and groups opposed to a government sometimes have powerful incentives to exaggerate or fabricate abuses, and some governments similarly distort or exaggerate abuses attributed to opposition groups. We have made every effort to identify those groups (for example, government forces or terrorists) or individuals who are believed, based on all the evidence available, to have committed human rights or other abuses. Many governments that profess to oppose human rights abuses in fact secretly order or tacitly condone them or simply lack the will or the ability to control those responsible for them. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent and examine what a government has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit such abuses.

To increase uniformity, each country report begins with a brief overview that includes a description of the country's political structure and the extent to which civilian authorities control security agencies. The overview summarizes human rights developments during the calendar year, identifying abuses and notable specific improvements.

We have continued the effort from previous years to cover human rights problems affecting women, children, persons with disabilities, and indigenous people in the reports. The appropriate section of each country report discusses any abuses that are targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory laws or regulations). In Section 5, we discuss socioeconomic discrimination; discrimination against persons with HIV/AIDS; societal violence against women, children, homosexuals, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems.

The following notes on specific sections in each country report are not meant to be comprehensive descriptions but rather to provide an overview of the key problems covered and their organization:

Arbitrary or Unlawful Deprivation of Life.—Includes killings by governments without due process of law or where there is evidence of a political motive. Also covers extrajudicial killings (for example, the unlawful and deliberate killing of individuals carried out by order of a government or with its complicity), as well as killings by police or security forces and actions that resulted in the unintended death of persons without due process of law (for example, mistargeted bombing or shelling or killing of bystanders). The section generally excludes combat deaths and killings by common criminals if the likelihood of political motivation can be ruled out. Deaths in detention due to adverse conditions are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Disappearance.—Covers cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified. Cases eventually classified as political killings in which the bodies of missing persons are discovered also are covered in the previous section, while those eventually identified as having been arrested or held in detention may be covered under “Arbitrary Arrest or Detention.”

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Covers torture (an act of intentionally inflicting severe pain, whether physical or mental) and cruel, inhuman, or degrading treatment or punishment committed by or at the instigation of government forces, including paramilitary forces, or opposition groups. The section discusses actual occurrences, not whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading, including judicially sanctioned violent or abusive punishment. There also may be discussion of poor treatment that may not constitute torture or cruel, inhuman, or degrading treatment. The section also covers prison conditions and deaths in prison due to adverse conditions.

Arbitrary Arrest or Detention.—Includes cases in which detainees, including political detainees, are held arbitrarily in official custody without being charged or, if charged, are denied a public preliminary judicial hearing within a reasonable period. The section also includes subsections on the role of the police and security apparatus, arrest and detention practices, and any amnesties that may have occurred during the year.

Denial of Fair Public Trial.—Describes the court system and evaluates whether there is an independent judiciary and whether trials are both fair and public (failure to hold any trial is noted in the section above). The subsection “Political Prisoners and Detainees” covers persons convicted, imprisoned or detained essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge. The subsection “Civil Judicial Procedures and Remedies” inquires whether there is access to an independent and impartial court to seek damages for or cessation of an alleged human rights violation. The optional subsection “Property Restitution” is included if there is a systemic failure of a government to enforce court orders with respect to restitution or compensation for the taking of private property under domestic law.

Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Includes government punishment of family members for alleged violations by individuals and efforts to coerce or forbid membership in a political organization. Discusses the “passive” right of the individual to noninterference by the state. It includes the right to receive foreign publications, for example, while the right to publish is discussed under “Freedom of Speech and Press.” Includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as female genital mutilation.

Use of Excessive Force and Other Abuses in Internal Conflicts.—This optional section describes abuses in countries experiencing significant internal armed conflict. Includes indiscriminate, non-selective killings arising from excessive use of force, or by the shelling of villages (deliberate, targeted killing is discussed in the section on “Arbitrary or Unlawful Deprivation of Life”). Also includes abuses against civilian noncombatants. For countries where use of this section would be inappropriate because there is no significant internal or external conflict, killings by security forces are discussed in the section on “Arbitrary or Unlawful Deprivation of Life”; nonlethal abuses are discussed in the section on “Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.”

Freedom of Speech and Press.—Evaluates whether these freedoms exist and describes any direct or indirect restrictions. A subsection (“Internet Freedom”) includes discussion of monitoring or restriction on the peaceful expression of opinion via the Internet. Another subsection, entitled “Academic Freedom and Cultural Events,” includes information on restrictions, intimidation and censorship in these fields.

Freedom of Peaceful Assembly and Association.—Evaluates the ability of individuals and groups (including political parties) to exercise these freedoms. It considers instances of government failure to provide permits and licenses for meetings, demonstrations, as well as information on the ability of trade associations, professional bodies, NGOS and similar groups to maintain relations or affiliate with recognized international bodies in their fields. The right of workers to associate, organize, and bargain collectively is discussed under the section on “Worker Rights” (see Appendix B).

Freedom of Religion.—Discusses whether the law provides for the right of citizens of any religious belief to worship free of government interference and whether the government generally respected that right. The section covers the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy and whether religious belief or lack thereof affects membership in a ruling party, a career in government, or ability to obtain services and privileges available to other citizens. The subsection “Societal Abuses and Discrimination” reports societal violence, harassment and discrimination against members of religious groups. Examples of anti-Semitism, if applicable, are included in this subsection. The annual International Religious Freedom Report supplements the information in this section.

Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The section discusses whether and under what circumstances governments exiled citizens, restricted foreign travel, especially for women, and revoked passports. It includes subsections “Internally Displaced Persons (IDPs)” (if applicable), “Protection of Refugees,” and “Stateless Persons” (if applicable.) As defined in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, refugees are persons outside their country of origin or, if stateless, outside their country of habitual residence who have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion, and who are unable or unwilling

to avail themselves of the protection of that country. Under certain regional instruments, such as the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa, the term refugee may refer to persons displaced by civil strife, widespread violence or natural disaster. The subsection "Protection of Refugees" reviews the government's extension of assistance and protection to refugees, including nonrefoulement, the provision of temporary protection, support for voluntary repatriation, longer term integration opportunities and third country resettlement. It also covers abuse and discrimination against refugees. The subsection on stateless persons examines whether a country has habitual residents who are legally stateless (not recognized as nationals under the laws of any state) or de facto stateless (not recognized as nationals by any state even if these individuals have a claim to nationality under the laws of a particular state). The report reviews whether the government has effectively implemented laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. The subsection also examines, among other matters, whether there is violence or discrimination against stateless persons in employment, education, housing, health services, marriage or birth registration, access to courts or the owning of property.

Respect for Political Rights: The Right of Citizens to Change Their Government.—Discusses the extent to which citizens have freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them. The subsection "Elections and Political Participation" assesses whether elections were free and fair, including participation by women and minorities on an equal basis. The subsection "Government Corruption and Transparency" covers allegations of corruption in the executive or legislative branches of government and actions taken to combat it. Also, the subsection covers whether the public has access in law and practice to government information.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.—Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether government officials are cooperative and responsive to their views. The section also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. Reports on national human rights commissions, parliamentary commissions, relations with international war crimes tribunals and truth or similar commissions.

Discrimination, Societal Abuses, and Trafficking in Persons.—Contains subheadings on Women, Children, Trafficking in Persons, and Persons with Disabilities. If applicable, also includes subheadings on National/Racial/Ethnic Minorities, Indigenous People, Other Societal Abuses and Discrimination, and Incitement to Acts of Discrimination. The section addresses discrimination and abuses

not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, health care, or other governmental benefits for members of specific groups. (Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups would be discussed under the appropriate preceding sections.) The subsection “Women” discusses societal violence against women, e.g., “dowry deaths,” “honor killings,” wife beating, rape, female genital mutilation, and government tolerance of such practices, as well as the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. The subsection “Children” discusses violence or other abuse against children. The subsection “Persons with Disabilities” covers discrimination against persons with physical and mental disabilities in, among other things, employment, education, and the provision of other government services.

The trafficking in persons subsection covers all acts involving the recruitment, harboring, transportation, provision, or obtaining of a person (man, woman, or child) for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age. Reporting describes any legal prohibitions against trafficking; the extent to which the government enforces these prohibitions; the extent and nature of trafficking in persons to, from, or within the country, other geographic regions or countries affected by the traffic; the participation, facilitation, involvement or complicity of any government agents in trafficking; and aid or protection available to victims.

WORKER RIGHTS—SEE APPENDIX B

Explanatory Notes

Occasionally the Country Reports on Human Rights Practices state that a country “generally respected” the rights of its citizens. The phrase “generally respected” is used because the protection and promotion of human rights is a dynamic endeavor; it cannot accurately be stated that any government fully respected these rights all the time without qualification in even the best of circumstances. Accordingly, “generally respected” is the standard phrase used to describe all countries that attempt to protect human rights in the fullest sense, and is thus the highest level of respect for human rights assigned by this report.

In some instances, Country Reports use the word “Islamist,” which should be interpreted by readers as a Muslim who supports Islamic values and beliefs as the basis for political and social life.

Since the Secretary of State designates foreign groups or organizations as foreign terrorist organizations (FTOs) on the FTO list, only those groups on the FTO list dated April 8, 2008 will be described as “terrorists” in the reports.

When describing whether a government provides “protection against refoulement,” the reports are referring to whether the government refrained from expelling or returning a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, political opinion, or membership in a particular social group

Subject headings in these reports are used to introduce general topics, and the report text that follows such headings is intended to describe facts generally relevant to those topics and is not intended to reach conclusions of a legal character.

APPENDIX B

Reporting on Worker Rights

The 1984 Generalized System of Preferences (GSP) Renewal Act requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include: “(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.” All five aspects of worker rights are discussed in each country report under the section heading “Worker Rights.” The discussion of worker rights considers not only laws and regulations but also their practical implementation.

This discussion is informed by internationally recognized labor standards, including the Conventions and Recommendations of the International Labor Organization (ILO). Differences in the levels of economic development are taken into account in the formulation of the standards related to working conditions, but not to the basic human rights standards, such as freedom of association, the right to organize and bargain collectively, the prohibition of forced labor and child labor, and the absence of discrimination in employment. Some specific guidelines derived from international standards are discussed below.

- A. “The right of association” has been defined by the ILO to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While it is generally accepted for strikes to be restricted in the public sector and in essential services, the interruption of which would endanger the life, personal safety, or health of a significant portion of the population, these restrictions must be offset by adequate safeguards for the interests of the workers concerned (for example, mechanisms for mediation and arbitration, due process, and the right to judicial review of legal actions). Reporting on restrictions on the ability of workers to

strike generally includes information on any procedures that may exist for safeguarding workers' interests.

- B. "The right to organize and bargain collectively" includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers, the right to protection against interference, and the right to protection against acts of antiunion discrimination. Governments should promote mechanisms for voluntary negotiations between employers and workers and their organizations. Coverage of the right to organize and bargain collectively includes a review of the extent to which collective bargaining takes place and the extent to which workers, both in law and practice, are protected against antiunion discrimination.
- C. "Forced or compulsory labor" is defined as work or service exacted under the menace of penalty and for which a person has not volunteered. "Work or service" does not apply where obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."
- D. "Prohibition of child labor and minimum age for employment" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. ILO Convention 182 on the "worst forms of child labor" identifies anyone under the age of 18 as a child and specifies certain types of employment as "the worst forms of child labor." These worst forms of labor include slavery, debt bondage, forced labor, forced recruitment into armed conflict, child prostitution and pornography, involvement in illicit activity such as drug production or trafficking, and "work which, by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals or children." In limited circumstances, ILO Convention 182 permits the employment of children between the ages of 16 and 18 in what the convention describes as an "unhealthy environment," if adequate protective measures have been taken.
- E. "Acceptable conditions of work" refers to the establishment and maintenance of mechanisms, adapted to national conditions, that provide for minimum working standards, that is: wages that provide a decent living for workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour day of rest; a specified number of annual paid leave days; and minimum conditions for the protection of the safety and health of workers.

APPENDIX C
Selected International Human Rights Conventions
 (See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
Afghanistan	P	-	-	P	-	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	S	P	P	-
Albania*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Algeria	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Andorra	-	-	-	P	-	P	P	-	P	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P	-
Angola	-	P	P	-	P	P	P	-	-	P	-	P	-	P	P	P	P	-	-	-	-	P	-	P	P
Antigua & Barbuda	P	P	P	P	P	P	P	-	-	1	P	P	P	-	-	P	P	-	-	-	-	P	P	P	P
Argentina	-	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	P
Armenia	-	P	P	P	P	P	P	-	P	-	-	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Australia	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Austria	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Azerbaijan	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Bahamas	P	P	P	P	P	P	P	-	-	P	P	P	P	-	-	P	P	-	-	-	-	P	P	P	P
Bahrain	P	P	-	P	-	P	P	-	-	-	P	P	P	P	-	-	-	-	-	-	-	P	P	P	P
Bangladesh	P	P	P	P	P	P	P	P	-	-	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P
Barbados	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P
Belarus	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Belgium	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Belize	1	P	P	P	P	P	P	-	-	-	1	P	P	P	S	P	P	-	-	-	-	P	P	P	P
Benin	2	P	P	-	P	P	P	-	-	-	-	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Bhutan*	-	-	-	-	-	P	P	-	-	-	-	-	S	-	-	-	-	-	-	-	-	P	-	P	-
Bolivia	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	P
Bosnia & Herzegovina	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P
Botswana	1	P	P	-	P	P	P	-	-	-	1	P	P	P	-	P	P	-	-	-	-	P	P	P	P
Brazil	P	-	-	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	P	P	P	P

APPENDIX C—Continued
Selected International Human Rights Conventions
(See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
Brunei*	1	—	—	—	—	P	P	—	—	—	1	—	—	—	—	—	—	—	—	P	P	P	—	—	—
Bulgaria	2	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Burkina Faso	—	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Burma	P	P	P	—	—	P	P	S	—	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Burundi	—	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Cambodia	—	P	P	P	P	P	P	S	S	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Cameroon	P	P	P	—	—	P	P	P	—	—	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Canada	P	—	P	P	—	P	P	—	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Cape Verde	—	P	P	—	—	P	P	—	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Central African Republic	2	P	P	—	—	P	P	P	—	P	P	P	P	P	P	P	P	—	—	P	P	P	—	—	—
Chad	—	P	P	—	—	P	P	—	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Chile	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
China	2	—	—	—	—	P	P	—	—	P	—	—	P	S	P	P	P	—	—	P	P	P	P	P	P
China (Hong Kong)	P	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
China (Macau from 12–20–99)	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—	—	—	—	—
China (Macau to 12–19–99)	—	—	—	—	—	—	—	P	—	—	P	—	P	P	P	P	P	—	—	—	—	P	P	P	P
China (Taiwan only)*	P	—	—	—	—	—	—	—	—	P	—	—	P	S	S	—	—	—	—	—	—	—	—	—	—
Colombia	S	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Comoros	—	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	P	—	—	P	P	P	S	P	P
Congo, Democratic Republic of	—	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Congo, Republic of	2	P	P	—	—	P	P	P	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P
Cook Islands	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—
Costa Rica	—	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Cote D'Ivoire	2	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P

[illegible]

APPENDIX C—Continued
Selected International Human Rights Conventions
 (See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
Honduras	—	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hungary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Iceland	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
India	P	P	—	P	—	P	P	P	—	P	P	P	P	P	P	—	—	—	—	—	—	P	S	P	—
Indonesia	—	P	P	—	P	P	P	—	—	P	—	P	P	P	P	—	—	—	P	—	—	P	P	P	P
Iran	S	P	—	P	—	P	P	S	—	—	P	P	P	P	P	P	—	—	—	S	—	—	—	P	P
Iraq	P	P	—	P	P	P	P	P	—	—	P	P	P	P	P	—	—	—	P	—	—	P	—	P	P
Ireland	P	P	P	P	P	P	P	—	P	—	P	P	P	P	P	P	—	—	P	P	—	P	—	P	P
Israel	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	—	—	P	P	P	P
Italy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Jamaica	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P
Japan	—	P	P	—	P	P	P	P	—	P	—	—	P	P	P	P	P	—	P	P	P	P	P	P	P
Jordan	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	P
Kazakhstan	—	P	P	P	P	P	P	S	P	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Kenya	—	P	—	—	P	P	P	—	—	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Kiribati*	1	P	P	—	P	P	P	—	—	1	1	P	—	1	1	—	1	—	—	—	—	P	—	P	—
Korea, Dem. Rep. of*	—	—	—	P	—	P	P	—	—	—	—	—	—	P	P	P	—	—	—	P	—	P	—	P	—
Korea, Republic of*	—	—	—	P	—	P	P	P	—	P	—	—	P	P	P	P	P	—	P	P	P	P	P	P	P
Kuwait	P	P	P	P	—	P	P	P	—	—	P	P	P	P	P	—	—	—	P	P	P	P	P	P	P
Kyrgyzstan	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Laos	—	P	—	P	—	P	P	P	—	P	P	P	P	S	S	—	—	—	P	P	P	P	—	P	P
Latvia	2	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Lebanon	2	P	—	P	P	P	P	—	—	P	—	P	P	P	P	—	—	—	P	P	P	P	P	P	P
Lesotho	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P

[illegible]

APPENDIX C—Continued
Selected International Human Rights Conventions
(See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
Norway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Oman*	-	P	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	-	P	
Pakistan	P	P	P	P	P	P	P	P	-	P	P	P	-	-	S	-	-	-	P	S	P	P	-	P	
Palau																									
Panama	S	-	P	P	-	P	P	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	-	P	
Papua New Guinea	P	P	P	P	P	P	P	-	-	P	-	P	-	-	-	P	P	-	P	-	-	P	P	P	
Paraguay	-	P	P	P	P	P	P	-	-	P	-	P	S	P	P	P	P	P	P	P	P	P	P	P	
Peru	P	P	P	P	P	P	-	P	-	S	P	P	P	P	P	P	P	-	P	S	P	P	P	P	
Philippines	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Poland	2	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Portugal	2	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Qatar	-	P	-	-	-	P	P	-	-	-	-	-	P	-	-	-	-	-	-	P	P	-	P	P	
Romania	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Russia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Rwanda	-	P	P	P	P	P	P	-	-	-	P	P	P	P	P	P	P	-	P	P	P	-	P	P	
Samoa*	-	-	-	-	-	P	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	
San Marino	-	P	-	-	-	P	P	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	P	P	
Sao Tome & Principe	-	P	P	-	P	P	P	-	-	-	-	P	S	S	S	P	-	-	P	P	S	-	P	P	
Saudi Arabia	P	P	-	P	-	P	P	-	-	-	P	P	P	-	-	-	-	-	-	P	P	P	P	P	
Senegal	2	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	
Serbia																									
Seychelles	2	P	P	P	P	-	P	P	-	1	P	P	P	P	-	P	-	-	P	P	-	P	-	P	
Sierra Leone	P	P	P	-	P	P	P	-	-	P	P	P	P	P	P	P	P	-	P	P	-	P	P	P	
Singapore	P	-	P	P	P	P	P	-	-	P	-	-	-	-	-	-	-	P	-	-	-	-	-	-	

[illegible]

APPENDIX C—Continued
Selected International Human Rights Conventions
 (See Footnotes for Treaty/Convention Titles)

COUNTRY	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y
Uzbekistan	—	P	—	P	P	P	P	P	—	P	—	P	P	P	P	—	—	—	—	P	P	P	P	P	—
Vanuatu*	—	—	P	—	P	P	P	—	—	—	1	P	—	—	—	—	—	—	—	P	P	P	—	P	P
Venezuela	—	P	P	P	P	P	P	P	—	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P	P
Vietnam*	P	—	—	P	—	P	P	—	—	—	—	—	P	P	P	—	—	—	P	P	—	P	—	P	P
Yemen	P	P	P	P	P	P	P	P	—	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Yugoslavia (former Yugoslavia)	P	P	P	P	P	P	P	P	—	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P	—
Zambia	P	P	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Zimbabwe	1	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	—	P	P

P = Party

S = Signatory

* = non-IL0 member

1 = Based on general declaration concerning treaty obligations prior to independence

2 = Party to 1926 Convention only

Key to Human Rights Conventions: A-Slavery B-IL0 Convention 29 C-IL0 Convention 87 D— Genocide E-IL0 Convention 98 F-Prisoners of War G-Civilians in War H-Traffic in Persons I-European HR Conv. J-Pol. Rights of Women K-Suppl. Slavery Conv. L-IL0 Convention 105 M-Racial Discrimination N-Civil and Pol. Rights O-Econ./Soc./Cul. Rights P-UN Refugee Convention Q-UN Refugee Protocol R-American HR Conv. S-IL0 Convention 138 T-Geneva Protocol I U-Geneva Protocol II V-Disc. Against Women W-Torture X-Rights of the Child Y-IL0 Convention 182

APPENDIX D

Description of International Human Rights Conventions in Appendix C

- A. Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by the Protocol of December 7, 1953.
- B. Convention Concerning Forced Labor of June 28, 1930 (ILO Convention 29).
- C. Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).
- D. Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.
- E. Convention Concerning the Application of the Principles of the Right to Organize and Bargain Collectively of July 1, 1949 (ILO Convention 98).
- F. Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.
- G. Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.
- H. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.
- I. European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.
- J. Convention on the Political Rights of Women of March 31, 1953.
- K. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.
- L. Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105).
- M. International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.
- N. International Covenant on Civil and Political Rights of December 16, 1966.
- O. International Covenant on Economic, Social and Cultural Rights of December 16, 1966.
- P. Convention Relating to the Status of Refugees of July 28, 1951.
- Q. Protocol Relating to the Status of Refugees of January 31, 1967.

R. American Convention on Human Rights of November 22, 1969.

S. Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).

T. Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977.

U. Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of June 8, 1977.

V. Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.

W. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

X. Convention on the Rights of the Child of November 20, 1989.

Y. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor of June 17, 1999 (ILO Convention 182).

APPENDIX E Country Assistance FY 2008—Part I (\$ in thousands)

	All Accounts	DA	CSH	ESF	TI	SEED	FSA	INCLE	ACI	NADR
TOTAL	22,067,296	1,623,622	1,829,152	2,989,838	44,636	293,553	396,497	556,405	319,848	483,055
Africa	5,210,088	674,156	739,330	183,249	—	—	—	21,642	—	24,471
Africa Regional Overview	—	—	—	—	—	—	—	—	—	—
Angola	41,274	5,500	27,946	—	—	—	—	—	—	6,300
Benin	28,630	6,300	22,187	—	—	—	—	—	—	—
Botswana	79,158	—	—	—	—	—	—	—	—	—
Burkina Faso	10,026	—	—	—	—	—	—	—	—	—
Burundi	18,067	6,530	6,031	—	—	—	—	—	—	350
Cameroon	2,270	—	1,488	—	—	—	—	—	—	—
Cape Verde	596	—	—	—	—	—	—	496	—	—
Central African Republic	95	—	—	—	—	—	—	—	—	—
Chad	5,060	—	—	—	—	—	—	—	—	—
Comoros	95	—	—	—	—	—	—	—	—	—
Cote d'Ivoire	100,895	—	—	—	—	—	—	—	—	—
Democratic Republic of the Congo	103,914	23,418	41,518	18,846	—	—	—	1,488	—	—
Djibouti	4,761	1,500	496	—	—	—	—	298	—	—
Ethiopia	455,134	37,067	54,779	—	—	—	—	—	—	—
Gabon	191	—	—	—	—	—	—	—	—	—
Ghana	70,803	25,412	35,074	—	—	—	—	496	—	—
Guinea	13,580	2,400	7,758	—	—	—	—	—	—	—
Guinea-Bissau	96	—	—	—	—	—	—	—	—	—
Kenya	586,838	32,125	39,384	—	—	—	—	—	—	5,777

APPENDIX E—Continued
Country Assistance FY 2008—Part I
(\$ in thousands)

[illegible]

[illegible]

APPENDIX E—Continued
Country Assistance FY 2008—Part I
(\$ in thousands)

	All Accounts	DA	CSH	ESF	TI	SEED	FSA	INCLE	ACI	NADR
Thailand	6,952	—	992	—	—	—	—	1,686	—	2,483
Timor-Leste	23,263	5,000	1,000	16,862	—	—	—	20	—	—
Tonga	383	—	—	—	—	—	—	—	—	—
Vanuatu	109	—	—	—	—	—	—	—	—	—
Vietnam	102,294	2,420	—	10,613	—	—	—	—	—	3,075
State East Asia and Pacific Regional	26,405	—	—	24,798	—	—	—	—	—	853
USAID Regional Development Mission-Asia (RDM/A)	39,765	25,837	13,688	—	—	—	—	—	—	—
Europe	787,638	—	11,960	31,742	—	293,553	313,947	298	—	18,730
Albania	21,688	—	500	—	—	17,717	—	—	—	785
Armenia	62,599	—	500	—	—	—	58,026	—	—	600
Azerbaijan	26,841	—	1,990	—	—	—	18,846	—	—	2,077
Belarus	10,192	—	—	—	—	—	10,192	—	—	—
Bosnia and Herzegovina	33,260	—	—	—	—	27,773	—	—	—	1,243
Bulgaria	8,502	—	—	—	—	—	—	—	—	300
Croatia	895	—	—	—	—	—	—	—	—	595
Cyprus	10,911	—	—	10,911	—	—	—	—	—	—
Czech Republic	3,475	—	—	—	—	—	—	—	—	—
Estonia	2,552	—	—	—	—	—	—	—	—	—
Georgia	63,812	—	750	—	—	—	50,091	—	—	3,210

Greece	.....	450	—	—	—	—	—	—	—
Hungary	.....	2,082	—	—	—	—	—	—	—
Ireland	.....	15,871	—	15,871	—	—	—	—	—
Kosovo	.....	146,682	—	—	—	146,301	—	—	—
Latvia	.....	2,552	—	—	—	—	—	—	—
Lithuania	.....	2,552	—	—	—	—	—	—	—
Macedonia	.....	26,052	—	—	—	21,822	—	—	932
Malta	.....	43	—	—	—	—	—	—	—
Moldova	.....	15,225	—	—	—	14,184	—	—	—
Montenegro	.....	9,130	—	—	—	8,435	—	—	600
Poland	.....	28,980	—	—	—	—	—	—	—
Portugal	.....	450	—	—	—	—	—	—	—
Romania	.....	12,811	—	—	—	—	—	—	—
Russia	.....	81,239	—	4,296	—	—	71,640	—	1,500
Serbia	.....	53,935	—	—	—	51,563	—	—	2,105
Slovakia	.....	2,082	—	—	—	—	—	—	—
Slovenia	.....	1,218	—	—	—	—	—	—	—
Turkey	.....	12,159	—	—	—	—	—	298	2,187
Ukraine	.....	83,408	—	1,891	—	—	72,409	—	2,100
Europe Regional	.....	24,306	—	2,033	1,835	19,942	—	—	496
Joint Eurasia Regional	.....	21,684	—	—	3,125	—	18,559	—	—
Near East	.....	5,257,107	17,914	2,883	1,138,261	—	—	5,356	55,809
Algeria	.....	2,077	—	—	400	—	—	198	813
Bahrain	.....	5,827	—	—	—	—	—	—	1,240
Egypt	.....	1,705,891	—	—	411,639	—	—	1,984	1,561
Iran	.....	21,623	—	—	21,623	—	—	—	—
Iraq	.....	21,177	—	—	4,960	—	—	—	15,975
Israel	.....	2,380,560	—	—	—	—	—	—	—
Jordan	.....	687,770	—	—	361,412	—	—	1,488	23,571

APPENDIX E—Continued
Country Assistance FY 2008—Part I
(\$ in thousands)

	All Accounts	DA	CSH	ESF	TI	SEED	FSA	INCLE	ACI	NADR
Kuwait	14	—	—	—	—	—	—	—	—	—
Lebanon	58,248	—	—	44,636	—	—	—	496	—	4,745
Libya	633	—	—	—	—	—	—	—	—	300
Morocco	26,661	4,136	—	15,374	—	—	—	496	—	1,317
Oman	8,229	—	—	—	—	—	—	—	—	2,089
Qatar	282	—	—	—	—	—	—	—	—	268
Saudi Arabia	113	—	—	—	—	—	—	—	—	99
Tunisia	11,953	—	—	1,200	—	—	—	198	—	497
United Arab Emirates	314	—	—	—	—	—	—	—	—	300
West Bank and Gaza	217,986	—	—	217,986	—	—	—	—	—	—
Yemen	16,555	4,913	2,883	1,500	—	—	—	496	—	3,034
MERC Middle East Regional Cooperation	4,960	—	—	4,960	—	—	—	—	—	—
State Multilateral Force and Observers (MFO)	24,798	—	—	—	—	—	—	—	—	—
State Near East Regional (NEA)	49,595	—	—	49,595	—	—	—	—	—	—
USAID Asia and Middle East Regional (AME)	11,841	8,865	—	2,976	—	—	—	—	—	—
South and Central Asia	2,157,877	241,222	213,860	897,810	—	—	82,550	294,644	—	55,885

Afghanistan	1,058,418	148,651	63,017	540,502	—	—	—	272,574	—	21,626
Bangladesh	105,009	29,190	37,181	—	—	—	—	198	—	6,301
India	99,813	16,547	59,939	—	—	—	—	—	—	2,684
Kazakhstan	21,055	—	893	—	—	—	14,879	—	—	2,992
Kyrgyz Republic	30,114	—	595	—	—	—	25,046	—	—	2,488
Maldives	186	—	—	—	—	—	—	—	—	—
Nepal	40,373	9,136	19,891	9,423	—	—	—	30	—	1,141
Pakistan	737,958	29,757	29,816	347,165	—	—	—	21,822	—	9,725
Sri Lanka	7,397	5,241	—	—	—	—	—	20	—	1,143
Tajikistan	30,922	—	1,239	—	—	—	25,789	—	—	2,984
Turkmenistan	7,188	—	397	—	—	—	5,455	—	—	1,050
Uzbekistan	9,497	—	892	—	—	—	8,405	—	—	200
State South and Central Asia Regional (SCA)	1,320	—	—	720	—	—	—	—	—	600
USAID Central Asia Regional	5,927	—	—	—	—	—	2,976	—	—	2,951
USAID South Asia Regional	2,700	2,700	—	—	—	—	—	—	—	—
Western Hemisphere	1,481,935	247,427	134,201	406,413	—	—	—	87,763	319,848	11,714
Argentina	2,015	—	—	—	—	—	—	198	—	916
Belize	243	61	—	—	—	—	—	—	—	—
Bolivia	103,383	25,918	16,936	16,862	—	—	—	397	29,757	425
Brazil	15,880	9,983	3,200	—	—	—	—	—	992	526
Chile	1,467	—	—	—	—	—	—	99	—	797
Colombia	540,703	—	—	194,412	—	—	—	41,907	244,618	3,288
Costa Rica	178	—	—	—	—	—	—	—	—	—
Cuba	45,330	—	—	45,330	—	—	—	—	—	—
Dominican Republic	39,134	12,403	10,411	12,399	—	—	—	992	—	496
Eastern Caribbean	1,592	—	—	—	—	—	—	496	—	496
Ecuador	25,200	9,855	2,000	5,951	—	—	—	99	6,943	174

APPENDIX E—Continued
Country Assistance FY 2008—Part I
(\$ in thousands)

	All Accounts	DA	CSH	ESF	TI	SEED	FSA	INCLE	ACI	NADR
El Salvador	31,104	15,451	8,425	—	—	—	—	744	—	104
Guatemala	62,939	18,067	14,623	11,903	—	—	—	3,472	—	—
Guyana	23,988	3,750	—	—	—	—	—	—	—	—
Haiti	234,239	15,196	19,805	62,881	—	—	—	8,927	—	—
Honduras	40,191	15,149	12,035	—	—	—	—	744	—	—
Jamaica	12,387	8,690	1,190	—	—	—	—	992	—	501
Mexico	50,637	8,215	2,678	11,903	—	—	—	26,553	—	919
Nicaragua	31,320	15,091	7,753	—	—	—	—	972	—	74
Panama	4,410	2,000	—	—	—	—	—	—	992	1,242
Paraguay	8,308	5,472	2,100	—	—	—	—	278	—	268
Peru	90,306	10,911	12,785	29,757	—	—	—	—	36,546	109
Suriname	199	61	—	—	—	—	—	—	—	—
The Bahamas	1,182	—	—	—	—	—	—	496	—	496
Trinidad and Tobago	1,364	—	—	—	—	—	—	397	—	883
Uruguay	178	—	—	—	—	—	—	—	—	—
Venezuela	9,542	6,519	—	2,976	—	—	—	—	—	—
State Western Hemisphere Regional (WHA)	16,007	—	—	12,039	—	—	—	—	—	—
USAID Caribbean Regional	13,010	4,107	5,703	—	—	—	—	—	—	—
USAID Central America Regional	12,353	8,565	3,374	—	—	—	—	—	—	—

USAID Latin America and Caribbean Regional (LAC)	61,162	49,979	11,183	—	—	—	—	—	—	—
USAID South America Regional	1,984	1,984	—	—	—	—	—	—	—	—
Asia and Near East Regional	21,179	16,497	4,682	—	—	—	—	—	—	—
USAID Asia and Near East Regional	21,179	16,497	4,682	—	—	—	—	—	—	—
DCHA—Democracy, Conflict, and Humanitarian Assistance	1,473,786	88,835	13,044	38,686	44,636	—	—	—	—	—
USAID Democracy, Conflict and Humanitarian Assistance (DCHA)	1,473,786	88,835	13,044	38,686	44,636	—	—	—	—	—
DRL—Democracy, Human Rights and Labor	167,890	—	—	5,218	—	—	—	—	—	—
State Democracy, Human Rights, and Labor (DRL)	167,890	—	—	5,218	—	—	—	—	—	—
EGAT—Economic Growth Agriculture and Trade	141,647	141,647	—	—	—	—	—	—	—	—
USAID Economic Growth, Agriculture and Trade (EGAT)	141,647	141,647	—	—	—	—	—	—	—	—
G/TIP—Office to Monitor and Combat Trafficking In Persons ...	11,903	—	—	11,903	—	—	—	—	—	—

APPENDIX E—Continued

[illegible]

State International Security and Nonproliferation—Other (ISN)	183,626	—	—	—	—	—	—	—	—	183,626
ODP—Office of Development Partners	8,500	8,500	—	—	—	—	—	—	—	—
USAID Office of Development Partners (ODP)	8,500	8,500	—	—	—	—	—	—	—	—
OES—Oceans and International Environmental and Scientific Affairs	17,656	—	—	17,656	—	—	—	—	—	—
State Oceans and International Environment and Scientific Affairs (OES)	17,656	—	—	17,656	—	—	—	—	—	—
PM—Political-Military Affairs	217,989	—	—	—	—	—	—	—	—	64,555
State Political-Military Affairs (PM)	217,989	—	—	—	—	—	—	—	—	64,555
PRM—Population, Refugees, and Migration	1,067,814	—	—	—	—	—	—	—	—	—
State Population, Refugees and Migration (PRM)	1,067,814	—	—	—	—	—	—	—	—	—
Reserve	52,331	23,983	—	28,348	—	—	—	—	—	—
Development Grants Program	37,197	12,399	—	24,798	—	—	—	—	—	—

APPENDIX E **Country Assistance FY 2008—Part II** (\$ in thousands)

	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
TOTAL	85,181	4,550,482	261,381	44,636	316,897	1,023,178	1,210,864	429,739	162,672	4,661,930	783,730
Africa	13,004	6,457	130,222	—	—	—	220,942	—	—	3,196,615	—
Africa Regional Overview	—	—	—	—	—	—	—	—	—	—	—
Angola	476	—	—	—	—	—	—	—	—	1,052	—
Benin	143	—	—	—	—	—	—	—	—	—	—
Botswana	658	—	—	—	—	—	—	—	—	78,500	—
Burkina Faso	96	—	—	—	—	—	9,930	—	—	—	—
Burundi	191	—	—	—	—	—	4,965	—	—	—	—
Cameroon	282	—	—	—	—	—	—	—	—	500	—
Cape Verde	100	—	—	—	—	—	—	—	—	—	—
Central African Republic	95	—	—	—	—	—	—	—	—	—	—
Chad	95	—	—	—	—	—	4,965	—	—	—	—
Comoros	95	—	—	—	—	—	—	—	—	—	—
Cote d'Ivoire	95	—	—	—	—	—	—	—	—	100,800	—
Democratic Republic of the Congo	477	397	5,455	—	—	—	9,930	—	—	2,385	—
Djibouti	4,761	1,500	496	—	—	—	—	298	—	—	334
Ethiopia	620	843	—	—	—	—	24,825	—	—	337,000	—
Gabon	191	—	—	—	—	—	—	—	—	—	—
Ghana	572	298	—	—	—	—	6,951	—	—	2,000	—
Guinea	334	109	—	—	—	—	2,979	—	—	—	—

[illegible]

Malaysia	876	—	—	—	—	—	—	—	—	—
Marshall Islands	57	—	—	—	—	—	—	—	—	—
Mongolia	923	993	—	—	—	—	—	—	—	—
North Korea	—	—	—	—	—	—	—	—	—	—
Papua New Guinea	266	—	—	—	—	—	—	—	—	—
Philippines	1,475	29,757	—	—	—	—	—	—	—	—
Samoa	38	—	—	—	—	—	—	—	—	—
Singapore	—	—	—	—	—	—	—	—	—	—
Solomon Islands	143	—	—	—	—	—	—	—	—	—
Taiwan	—	—	—	—	—	—	—	—	—	—
Thailand	1,142	149	—	—	—	—	—	—	—	500
Timor-Leste	381	—	—	—	—	—	—	—	—	—
Tonga	185	198	—	—	—	—	—	—	—	—
Vanuatu	109	—	—	—	—	—	—	—	—	—
Vietnam	186	—	—	—	—	—	—	—	—	86,000
State East Asia and Pacific Regional	—	754	—	—	—	—	—	—	—	—
USAID Regional Development Mission—Asia (RDM/A)	39,765	25,837	13,688	—	—	—	—	—	—	—
Europe	24,735	88,673	—	—	—	—	—	—	—	4,000
Albania	571	2,115	—	—	—	—	—	—	—	—
Armenia	497	2,976	—	—	—	—	—	—	—	—
Azerbaijan	952	2,976	—	—	—	—	—	—	—	—
Belarus	—	—	—	—	—	—	—	—	—	—
Bosnia and Herzegovina	952	3,292	—	—	—	—	—	—	—	—
Bulgaria	1,618	6,584	—	—	—	—	—	—	—	—

[illegible]

[illegible]

APPENDIX E—Continued
Country Assistance FY 2008—Part II
(\$ in thousands)

	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAI	AID Admin
State Multilateral Force and Observers (MFO)	—	—	24,798	—	—	—	—	—	—	—	—
State Near East Regional (NEA)	—	—	—	—	—	—	—	—	—	—	—
USAID Asia and Middle East Regional (AME)	—	—	—	—	—	—	—	—	—	—	—
South and Central											
Asia	10,146	301,141	—	—	—	—	54,119	—	—	6,500	—
Afghanistan	1,618	—	—	—	—	—	9,930	—	—	500	—
Bangladesh	761	595	—	—	—	—	30,783	—	—	—	—
India	1,237	—	—	—	—	—	13,406	—	—	6,000	—
Kazakhstan	952	1,339	—	—	—	—	—	—	—	—	—
Kyrgyz Republic	1,142	843	—	—	—	—	—	—	—	—	—
Maldives	186	—	—	—	—	—	—	—	—	—	—
Nepal	752	—	—	—	—	—	—	—	—	—	—
Pakistan	2,103	297,570	—	—	—	—	—	—	—	—	—
Sri Lanka	571	422	—	—	—	—	—	—	—	—	—
Tajikistan	538	372	—	—	—	—	—	—	—	—	—
Turkmenistan	286	—	—	—	—	—	—	—	—	—	—

Uzbekistan	—	—	—	—	—	—	—	—	—
State South and Central Asia									
Regional (SCA)	—	—	—	—	—	—	—	—	—
USAID Central Asia									
Regional	—	—	—	—	—	—	—	—	—
USAID South Asia									
Regional	—	—	—	—	—	—	—	—	—
Western Hemisphere									
Argentina	11,389	66,249	—	—	—	—	—	—	119,974
Belize	901	—	—	—	—	—	—	—	—
Bolivia	162	—	—	—	—	—	—	—	20
Brazil	179	—	—	—	—	—	—	—	—
Chile	179	—	—	—	—	—	—	—	1,000
Colombia	571	—	—	—	—	—	—	—	—
Costa Rica	1,428	55,050	—	—	—	—	—	—	—
Cuba	178	—	—	—	—	—	—	—	—
Dominican Republic	—	—	—	—	—	—	—	—	—
Eastern Caribbean	933	—	—	—	—	—	—	—	1,500
Ecuador	600	—	—	—	—	—	—	—	—
El Salvador	178	—	—	—	—	—	—	—	—
Guatemala	1,599	4,761	—	—	—	—	—	—	20
Guyana	476	496	—	—	—	—	—	—	—
Haiti	238	—	—	—	—	—	—	—	20,000
Honduras	190	982	—	—	—	—	—	—	92,000
Jamaica	837	496	—	—	—	—	—	—	1,000
Mexico	714	—	—	—	—	—	—	—	300
Nicaragua	369	—	—	—	—	—	—	—	—
.....	476	496	—	—	—	—	—	—	500

APPENDIX E—Continued

[illegible]

APPENDIX E—Continued

[illegible]

APPENDIX E—Continued
Country Assistance FY 2008—Part II
(\$ in thousands)

	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHA1	AID Admin
OES—Oceans and International Environmental and Scientific Affairs	—	—	—	—	—	—	—	—	—	—	—
State Oceans and International Environment and Scientific Affairs (OES)	—	—	—	—	—	—	—	—	—	—	—
PM—Political-Military Affairs	5,512	41,561	106,361	—	—	—	—	—	—	—	—
State Political-Military Affairs (PM), ...	5,512	41,561	106,361	—	—	—	—	—	—	—	—
PRM—Population, Refugees, and Migration	—	—	—	44,636	—	1,023,178	—	—	—	—	—

APPENDIX E—Continued
Country Assistance FY 2008—Part II
(\$ in thousands)

	IMET	FMF	PKO	ERMA	IO&P	MRA	PL 480	IDFA	DF	GHAJ	AID Admin
USAID Development Credit Authority Admin.	—	—	—	—	—	—	—	—	—	—	8,094
USAID Inspector General Operating Expense	—	—	—	—	—	—	—	—	—	—	37,692
USAID Operating Expense	—	—	—	—	—	—	—	—	—	—	650,657
USAID Program Management Initiatives	—	—	—	—	—	—	—	—	—	—	—
USAID Program Management Initiatives	—	—	—	—	—	—	—	—	—	—	—

Note: Levels are as of 6/1/2008.

APPENDIX F.—United Nations General Assembly’s Third Committee Country Resolution Votes 2008

[illegible]

[illegible]

**APPENDIX F.—United Nations General Assembly’s Third Committee
Country Resolution Votes 2008—Continued**

	Belarus '06	Belarus 7	Burma '06	Burma 7	Burma '08	DPRK '05	DPRK '06	DPRK 7	DRPK '08	Iran '05	Iran '06	Iran 7	Iran '08
Honduras	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hungary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Iceland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
India	N	N	N	N	N	A	A	A	A	N	N	N	N
Indonesia	N	N	N	N	N	N	N	N	N	N	N	N	N
Iran (Islamic Rep)	N	N	N	N	N	N	N	N	N	N	N	N	N
Iraq					Y	Y	Y	Y	Y	A			
Ireland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
Israel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Italy	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jamaica	A	Y	A	A	A	A	A	A	A	A	A	A	A
Japan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jordan	A	A	A	A	A	A	A	A	A	A	A	A	A
Kazakhstan	N	N	A	Y	Y	Y	Y	Y	Y	N	N	N	N
Kenya	A	A	A	Y	A	A	A	A	A	A	A	A	A
Kiribati					Y				Y	Y	Y	Y	Y
Kuwait	A	A	A	A	A	A	A	A	A	N	N	N	N
Kyrgyzstan	N	N	A	A	A	A	A	A	A	N	N	N	N
Lao Rep	A	A	N	N	N	N	N	N	N	A	A	A	A
Latvia	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lebanon	N	N	Y	Y	Y		Y	Y	Y	N	N	N	N
Lesotho	A	A	A	A	A	A	A	Y	A	A	A	A	A

APPENDIX F.—United Nations General Assembly’s Third Committee Country Resolution Votes 2008—Continued

	Belarus '06	Belarus 7	Burma '06	Burma 7	Burma '08	DPRK '05	DPRK 7	DPRK '08	Iran '05	Iran '06	Iran 7	Iran '08
Niger	A	A	A	A	N	A	A	A	N	N	N	N
Nigeria	A	A	A	A	Y	A	A	A	A	A	A	A
Norway	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Oman		N		N	N		N	N	N	N	N	N
Pakistan	N	N	N	N	A	A	N	A	N	N	N	N
Palau	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Panama	A	A	Y	Y	Y	Y	Y	Y	A	A	Y	Y
Papua N Guinea	A	A	A	A	A	Y	Y	Y	Y	A	A	A
Paraguay	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
Peru	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
Philippines	A	A	A	A	A	Y	Y	A	A	A	A	A
Poland	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Portugal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Qatar	N	N	A	A	A	A	A	A	N	N	N	N
Rep of Korea	Y	Y	Y	Y	Y	A	A	Y	A	A	A	A
Romania	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Russian Federation	N	N	N	N	N	N	N	N	N	N	N	N
Rwanda	A		A	A	A	A	A	A	A	A	A	A
St Kitts-Nevis		A		A	A	A	A	A			Y	A
Saint Lucia		A		A	Y	A	A	Y	N		A	Y
St Vincent-Green		A		A	A	Y	A	A	Y		A	A
Samoa	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y

[illegible]

**APPENDIX F.—United Nations General Assembly's Third Committee
Country Resolution Votes 2008—Continued**

	Belarus '06	Belarus 7	Burma '06	Burma 7	Burma '08	DPRK '05	DPRK '06	DPRK 7	DRPK '08	Iran '05	Iran '06	Iran 7	Iran '08
Turkey	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Turkmenistan	A	N	A	A	A	N	A	A	A	N	A	N	N
Tuvalu	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uganda	A	N	A	N	A	A	A	N	A	A	A	N	A
Ukraine	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
U A Emirates	A	A	A	A	A	A	A	A	A	A	A	A	A
United Kingdom	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
U R Tanzania	A	Y	A	Y	A	A	A	Y	Y	A	A	A	A
United States	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uruguay	Y	Y	Y	Y	Y	Y	Y	Y	Y	A		A	A
Uzbekistan	N	N	N	N	N	N	N	N	N	N	N	N	N
Vanuatu		Y	N	Y	Y	A		Y	Y	Y	Y	Y	Y
Venezuela	N	Y	N	N	N	N	N	N	N	N	N	N	N
Vietnam	N	N	N	N	N	N	N	N	N	N	N	N	N
Yemen	A	N	A	A	A	A	A	Y	A	N	N	N	N
Zambia	A	A	A	A	A	A	A		A	A	A	A	A
Zimbabwe	N	N	N	N	N	N	N	N	N	N	N	N	N
Final Vote													
yes	70	68	79	88	89	84	91	97	95	77	70	72	70
no	31	32	28	54	29	22	21	23	24	51	48	50	51
abstain	67	76	63	66	63	62	60	60	62	46	55	55	60

APPENDIX G

Universal Declaration of Human Rights

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor be denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

1. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and

cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just

requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

*Hundred and eighty-third plenary meeting
Resolution 217(A)(III) of the United Nations General Assembly,
December 10, 1948*

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